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UTAH COMMISSION ON CRIMINAL AND JUVENILE JUSTICE

19th Annual DUI Report to the Utah Legislature



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Statistical Note: Data in this report are current as of October 1, 2021, unless otherwise noted. Due to rounding, data in the tables in this report may not add up exactly to the totals indicated.

Profile of a Typical Utah DUI Offender in FY 2021

Arrested for a *per se* violation (82%)

Driver had a .05 or greater blood/breath alcohol concentration, or was impaired by alcohol, drugs, or a combination of the two to the extent it was unsafe to operate a vehicle



Arrested by a municipal law enforcement officer (57%)



Male (74%)



Age 25-36 (37%)



Had a blood/breath alcohol concentration (BAC) between .11-.15
(29% of those tested with results reported)



Arrested on the Wasatch Front in Weber, Davis, Salt Lake or
Utah County (67%)



First-time arrestee (70%)



Convicted of DUI
(79% in Justice Court; 81% in District Court)

Executive Summary

DUI in Utah: CY 2020 / FY 2021

Law Enforcement: DUI-Related Arrests & Enforcement Activities

- 10,619 DUI-related arrests were made in FY 2021, 87 more (< +1%) than in FY 2020.
- Despite a slight increase recently, Utah's DUI-related arrest rate (32.5 per 10,000 population) has declined steadily over the past 10 years, with a 30% decrease since FY 2012 (associated with 2,412 fewer arrests in FY 2021 than in FY 2012), even as the population has greatly increased in the same time (16% increase in statewide population).
- The majority of arrests occurred along the Wasatch Front, with Salt Lake, Davis, Utah, and Weber Counties accounting for 67% of the total. While counties outside the Wasatch Front only accounted for 33% of the total, this was disproportionate to their population (25%).
- DUI-related arrests in FY 2021 displayed the following characteristics:
 - 74% of arrestees were male (24% female, with 2% unspecified).
 - 37% of arrestees were between 25-36 years of age, followed by 23% 37-48, 14% 21-24, 14% 49 and older, and 12% under 21.
 - The majority of arrests (57%) were made by city/municipal police departments, with the rest split between Utah Highway Patrol (31%) and county sheriff's offices (12%).
 - Almost half (49%) of the arrests did not have a BAC reported, and 12% of arrestees refused testing. Of those tested with a BAC reported, 43% exceeded .15. Additionally, 9% fell between .05-.07, a slight decrease from FY 2020 in the second full fiscal year under the new statutory level (.05) in effect since January 2019.
 - It was the first DUI-related arrest for 70% of arrestees, with 19% having one prior arrest and another 11% having two or more prior arrests for DUI.
- The 12% of arrestees under the age of 21 is consistent with previous years, and the 1,287 total arrests in this category are down slightly from FY 2020 (but up 17% from FY 2019).
- Changing the statutory BAC level to .05 has not had a significant impact on DUI arrests to date.
- Consistent with previous years, 82% of the arrests were for per se violations where the driver had a blood/breath alcohol concentration (BAC) over the legal limit (now .05), or was impaired by alcohol, other drugs, or a combination of the two to the extent it was unsafe to operate a vehicle.
 - Drug metabolite arrests, which had increased sharply from FY 2014-18, decreased sharply (-63%) once again in FY 2021 (now down 79% since FY 2018).
- Arrests included 1,626 made during specialized DUI overtime enforcement events such as enforcement blitzes, saturation patrols, and DUI sobriety checkpoints that involved law enforcement agencies throughout the state. These overtime shifts were down in FY 2021.

DUI and Drug-Related Crashes, Injuries, and Fatalities

- The numbers of DUI/**alcohol**-related crashes, injuries, and fatalities all increased last year, particularly fatalities, after decreases in 2019.
 - Crashes increased 3% from CY 2019 to 1,978 in CY 2020; injuries increased 13% to 1,320 in CY 2020; and fatalities jumped 142% to 46 in CY 2020 following a 60% decrease in CY 2019, when there were only 19 fatalities.
- DUI/**drug**-related crashes and fatalities also increased in 2020, particularly fatalities, after a significant decrease on all indicators in 2019.
 - Crashes increased 3% from CY 2019 to 1,067 in CY 2020.
 - Injuries decreased 11% in CY 2020 to 688 (from 773 in CY 2019).
 - Drug-positive driver fatalities increased 60% from CY 2019 to 107 in CY 2020 after dropping 31% to 67 fatalities in CY 2019.
- The most common drug types found in drug-positive driver fatalities in CY 2020 were marijuana/THC; stimulants (e.g., methamphetamine); depressants (e.g., sedatives); and opioids (e.g., oxycodone).

Courts: Adjudications and Sanctions

- In FY 2021, there were 7,260 DUI-related cases disposed by Utah's Justice Courts.
 - 79% resulted in a guilty plea or verdict.
- In FY 2021, there were 2,921 DUI-related cases disposed by the state's District Courts.
 - 81% resulted in a guilty plea or verdict.
- FY 2021 continued a trend whereby an increasing number and percentage of DUI-related cases have been handled in the District Courts over the previous ten years.

Courts: Orders for Assessment, Treatment, and Education

- Justice Court judges ordered offenders to undergo a substance use disorder screening and assessment in 4,434 cases (77% of guilty), ordered substance use disorder treatment in 3,028 cases (52%), and ordered an educational series in 2,940 cases (51%).
- District Court judges ordered offenders to undergo a substance use disorder screening and assessment in 1,358 cases (57% of guilty), ordered substance use disorder treatment in 1,486 cases (62%), and ordered an educational series in 519 cases (22%).
- Treatment orders have generally increased over the past ten years in both courts.

Driver License Control

- 3,370 hearings were conducted in FY 2021 (down 40%) to determine if there was sufficient information to warrant the suspension or revocation of the individual's driver license.
 - 3,046 (90%) involved at least one of the parties calling in for the hearing.
 - In 1,248 (37%) of the cases, no action could be taken against the driver due to the absence of the arresting officer at the hearing or other factors.

Purpose of the Report

The *19th Annual DUI Report to the Utah Legislature* was prepared in accordance with §41-6a-511 of the Utah Code. The statute requires the Utah Commission on Criminal and Juvenile Justice to prepare an annual report of DUI related data, including the following:

- Data collected by the state courts to allow sentencing and enhancement decisions to be made in accordance with violations involving driving under the influence of alcohol and/or other drugs;
- Data collected by the justice courts (same DUI related data elements collected by the state courts); and
- Any measures for which data are available to evaluate the profile and impacts of DUI recidivism and to evaluate the DUI related processes of: law enforcement; adjudication; sanctions; driver license control; and alcohol education, assessment, and treatment.

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DUI Policy in Utah



The Utah Legislature establishes policy for dealing with driving under the influence of alcohol and other drugs through the passage of bills that are enacted into law. This section summarizes the bills passed by the 2021 Utah Legislature and their impact on DUI policy in Utah.

(Click on each bill number below to follow a link to the Utah Legislature page for more information)

2021 DUI-Related Legislation

H.B. 20 Driving Under the Influence Sentencing Amendments

Representative Steve Eliason

- This bill prohibits sentencing reductions for driving under the influence with a blood alcohol level of .16 or higher; with a blood alcohol level of .05 or higher in addition to any measurable controlled substance; or with a combination of two or more controlled substances in the person's body that were not prescribed by a licensed physician or recommended medical cannabis. The bill also requires that a person is guilty of a separate offense for each passenger in the vehicle under 15 years old. Where there is admissible evidence that an individual is driving under the influence with the above qualifications, the court shall impose a jail sentence of not less than five days or two days in addition to home confinement of not fewer than 30 days. The bill also requires an individual to complete the 24/7 Sobriety Program, and failure to fulfill these requirements shall lead to reinstatement of court sentences.

H.B. 26 24/7 Sobriety Program Expansion

Representative Stephanie Pitcher

- This bill allows the 24/7 Sobriety Program in counties across the state and allows individuals participating the 24/7 Sobriety Program with drug courts to avoid the suspension of the individual's driver license. This bill also allows a low-risk individual (completing a risk assessment) participating in drug court to avoid suspension of an individual's driver license by installing an interlock system.

H.B. 47 DUI Revisions

Representative Steve Eliason

- Also known as "Sarah's Bill," this bill allows for harsher bail terms and allows a judge to hold an individual in jail for trial for causing death or serious bodily harm to others while driving under the influence if that the person would constitute a substantial danger to the community if released on bail.

H.B. 143 Driver License Suspension Amendments

Representative Cory Maloy

- This bill prohibits the suspension of an individual's driver license based solely on the individual's failure to pay fines and fees, including restitution and treatment costs. The bill also prohibits the suspension of an individual's license based on the individual's failure to appear, pay outstanding penalties, or an issuance of a bench warrant. However, the Driver License Division may suspend a license when a person has failed to comply with the terms stated on a traffic citation or if an individual has failed to complete a 24/7 sobriety program.

S.B. 179 DUI Probation Amendments

Senator Karen Mayne

- This bill allows a court to order supervised probation for DUI offenses provided by Adult Probation and Parole (AP&P) if the individual is already subject to supervised probation from AP&P for a different offense. This will eliminate any duplicative supervision.

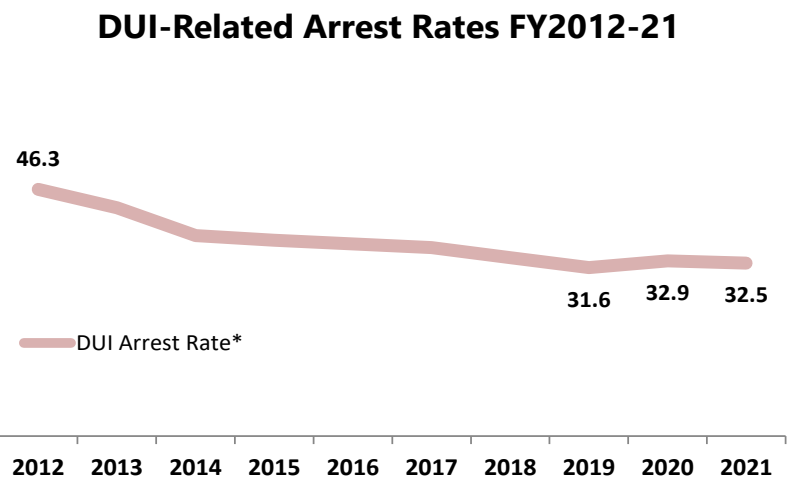
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Law Enforcement Activities

DUI-Related Arrests

The Utah Department of Public Safety, through its Driver License Division and Highway Safety Office, collects information on all DUI-related arrests. In FY 2021, law enforcement officers made 10,619 arrests, 87 more (< +1%) than in FY 2020. While Utah's population has continued to grow, the arrest rate for DUI-related offenses has declined steadily, with a 30% decrease over the past ten years (associated with 2,412 fewer arrests than FY 2012).

Utah DUI-Related Arrest Rates by Population, FY 2012 - FY 2021			
Fiscal Year	DUI-Related Arrests	Population as of July 1	DUI-Related Arrest Rate*
2012	13,031	2,814,216	46.3
2013	12,227	2,853,467	42.8
2014	10,901	2,897,927	37.6
2015	10,802	2,937,399	36.7
2016	10,755	2,982,497	36.0
2017	10,762	3,042,613	35.3
2018	10,383	3,103,118	33.5
2019	9,995	3,161,105	31.6
2020	10,532	3,205,958	32.9
2021	10,619	3,271,616	32.5



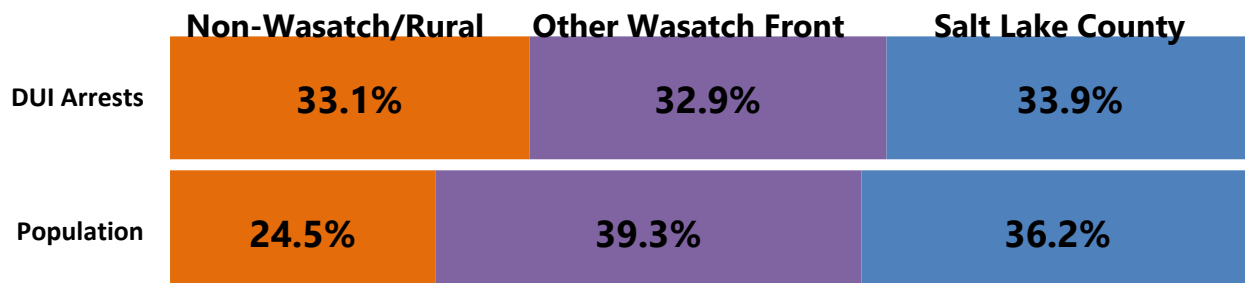
Source of DUI-Related Arrest Data: Utah Department of Public Safety, Driver License Division

Source of Population Data: U.S. Census Bureau, Population Division (**estimates** are as of July 1 of calendar year preceding fiscal year, though note that 2021 is based off the **actual** 2020 Census number from April 2020)

*DUI-related arrest rate is the number of DUI-related arrests per 10,000 population.

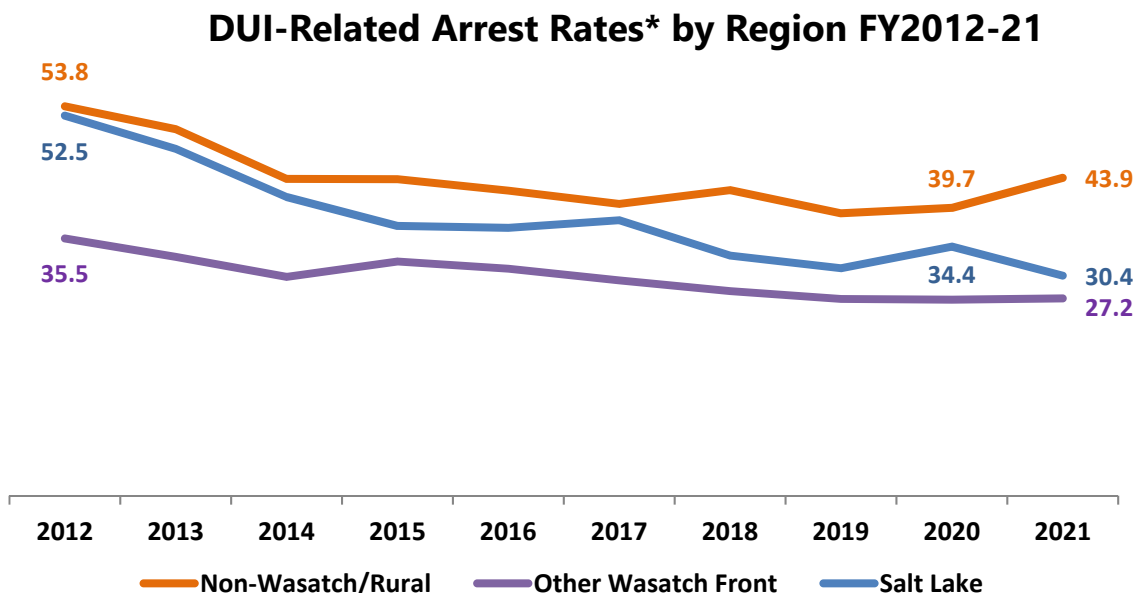
Arrests by County & Region

Consistent with past years, the majority of DUI-related arrests during FY 2021 occurred along the Wasatch Front, with Weber, Davis, Salt Lake, and Utah Counties accounting for 67% (7,099) of the total. Salt Lake County had the highest number of arrests with 3,601 (34%), while Daggett County had the fewest arrests with three (see [Table A1](#) in the Appendix for all FY 2021 data by county, as well as a comparison of arrest percentages to total population). The chart below breaks the FY 2021 arrests down by region of the state compared to population.



Note: "Other Wasatch Front" = Davis, Utah, and Weber counties; "Non-Wasatch/Rural" = all other counties outside the Wasatch Front.

The previous figure shows an over-representation of DUI-related arrests outside the Wasatch Front (33.1%), relative to the total population in the region (only 24.5% of the total population). Additionally, the figure below shows the DUI-related arrest rate trends over time (FY 2012-21) by region of the state. Consistent with the previous figure, the highest arrest rates in FY 2021 were outside the Wasatch Front (43.9 per 10,000 population, up 11% over FY 2020), followed by Salt Lake County (30.4, down 12% from FY 2020), and Davis/Utah/Weber counties (27.2). As with the overall rates for Utah seen on the previous page, the rates in each region have seen a downward trend over the past ten years. Salt Lake County has shown the sharpest decline over ten years (see [Table A2](#) in the Appendix for all the rate data by county and region).



Note: "Other Wasatch Front" = Davis, Utah, and Weber counties; "Non-Wasatch/Rural" = all other counties outside the Wasatch Front.

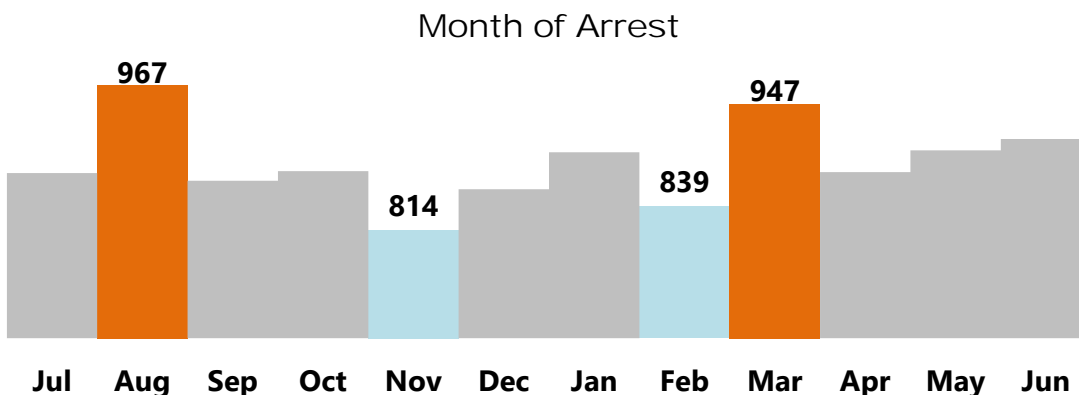
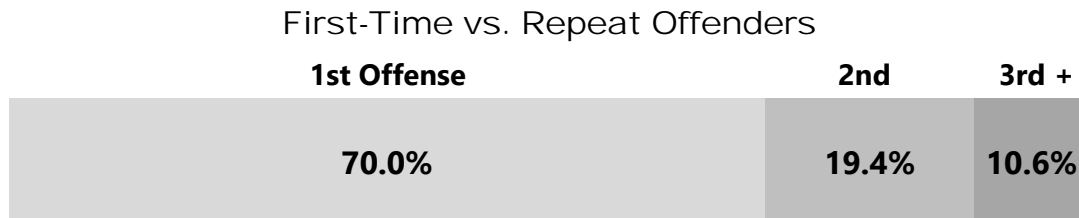
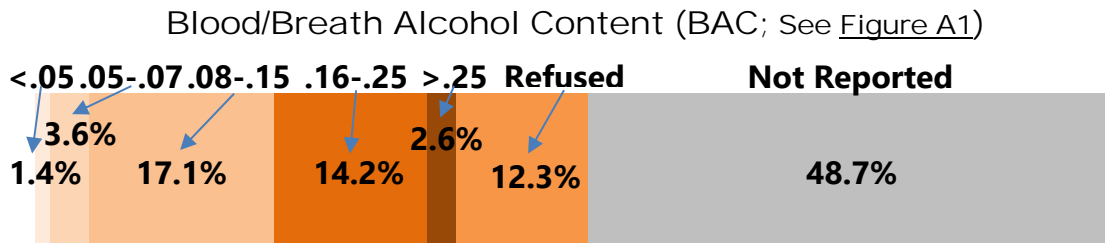
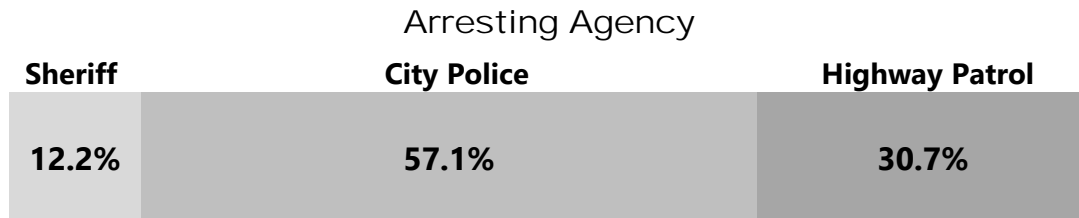
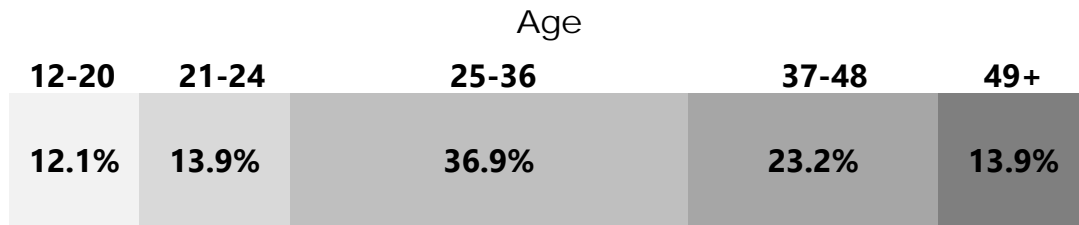
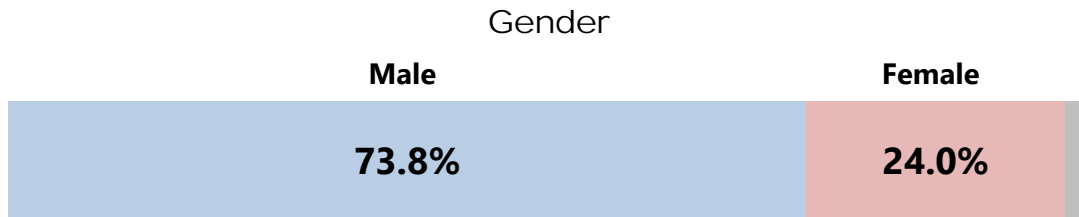
*DUI-related arrest rate is the number of DUI-related arrests per 10,000 population.

Characteristics of FY 2021 DUI-Related Arrests

The figures on the next page show some characteristics of DUI-related arrests, including:

- **Gender:** 74% of arrestees were male, while 24% were female (an additional 2% of arrests did not have gender specified; see [Table A3](#) in the Appendix).
- **Age:** Drivers ages 25-36 accounted for 37% of all arrests, followed by 23% for ages 37-48. 12% of arrestees were under the legal age of 21 (see p.12 for more on this, and see [Table A4](#) for full data).
- **Arresting Agency:** 57% of all arrests were made by municipal law enforcement agencies, with Utah Highway Patrol responsible for 31% and county sheriffs' offices responsible for 12% (see [Table A5](#)).
- **Blood/Breath Alcohol Concentration (BAC):** Almost half (49%) of the arrests did not have a reported BAC, while another 12% refused the BAC test. Of those arrests with BAC reported, 43% exceeded .15 (the highest BAC recorded was .45), while 29% fell between .11-.15, 14% between .08-.10, 9% between .05-.07, and 4% under .05 (see [Table A6](#)). Arrests in both categories below .08 decreased this year (see p.12).
- **Repeat Offenders:** 70% of arrests were for a first offense, 19% had one prior offense, and 11% were for a third or subsequent offense (see [Table A7](#) for more data by violation type).

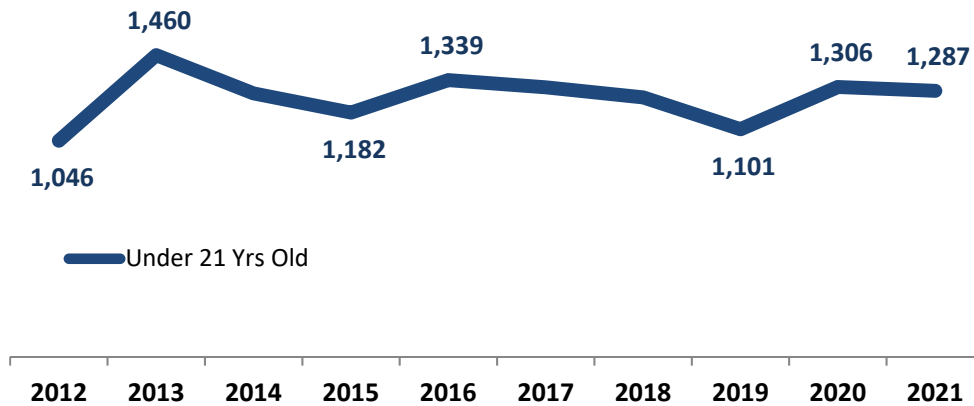
- **By Month:** DUI-related arrests remained consistent throughout FY 2021, with an average of 885 arrests per month and no months above 1,000 or below 800. The highest number of arrests occurred in August (967), with the lowest number of arrests in November (814; see [Table A8](#)).



Underage DUI-Related Arrests

As seen on the previous page, 12% of the DUI-related arrests were offenders under the legal drinking age of 21. This percentage of the overall arrests is consistent with recent years (see [Table A4](#)), and the 1,287 total arrests in this category are down slightly from FY 2020, when there were 1,306 underage arrests (though still up 17% from FY 2019).

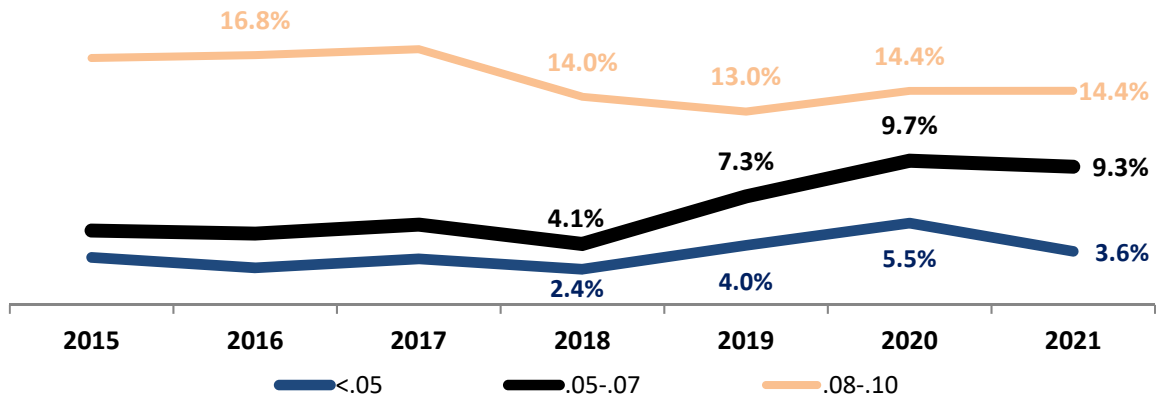
Under 21 DUI-Related Arrests FY2012-21



Impacts of Decreasing the Legal BAC Limit to .05

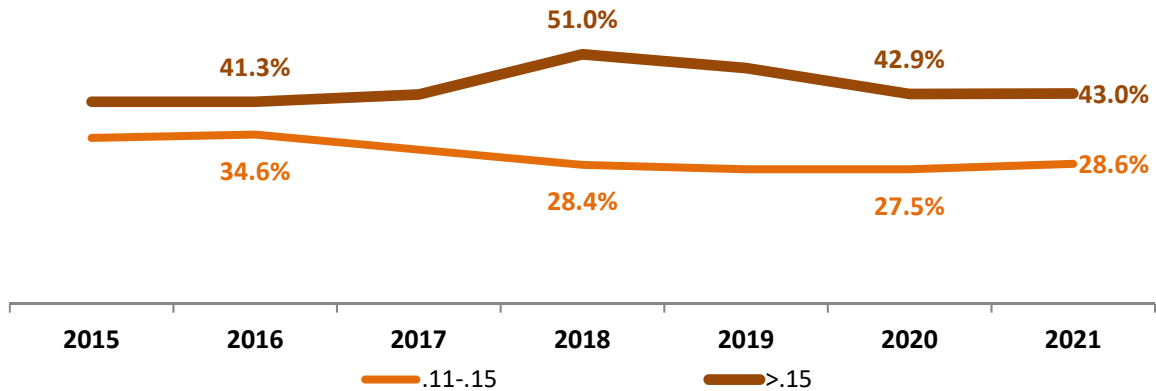
Arrests by BAC Level. The recent upward trend in arrests with a BAC below .08 stabilized in FY 2021. The per se legal limit was moved on December 30, 2018 to include BACs in the .05-.07 range, and 9.3% of arrests with a reported BAC in FY 2021 were in this range (down from 9.7% in FY 2020, but up from 4.1% in FY 2018, the last full FY before the limit was decreased). Reported BAC levels in the highest ranges have decreased. It should be noted that the data below are only based on arrests where the BAC was reported or obtained (49% had no BAC reported and 12% of arrestees refused a BAC test, consistent with previous years).

BAC Levels Reported* in DUI-Related Arrests FY2015-21 - Lower Ranges



*Note: Specific BAC levels are only generally reported in around half of cases. Data distinguishing <.05 and .05-.07 not available pre-FY2015.

BAC Levels Reported* in DUI-Related Arrests FY2015-21 - Higher Ranges

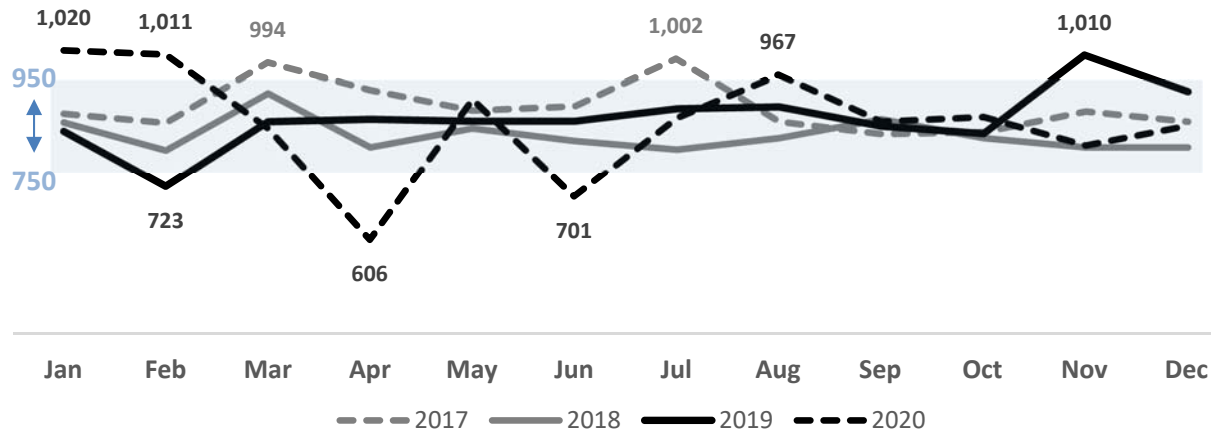


*Note: Specific BAC levels are only generally reported in around half of cases. Data distinguishing <.05 and .05-.07 not available pre-FY2015.

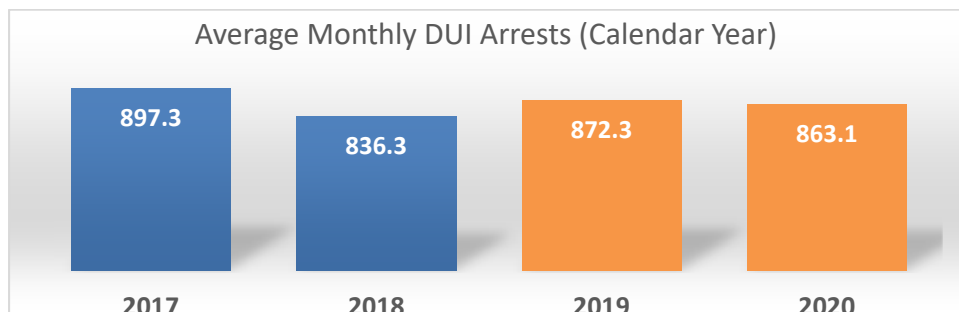
Analysis of Monthly Arrests Before and After Change. Looking closer at the DUI arrests by month before and after the statute change took effect, there is not definitive evidence that it has led to a significant increase in arrests. With only a few exceptions before and after, the number of arrests per month has been consistently in the range of 750 to 950 from January 2017 to December 2020. The average monthly arrest increased slightly from 836 in CY 2018 to 872 in CY 2019, but the average for CY 2020 dropped back to 863 (with possible influence from the pandemic).

DUI Arrests by Month 2017-20

New DUI Statute Effective 1/1/19 - Gray Lines Pre/Black Lines Post



Average Monthly DUI Arrests (Calendar Year)

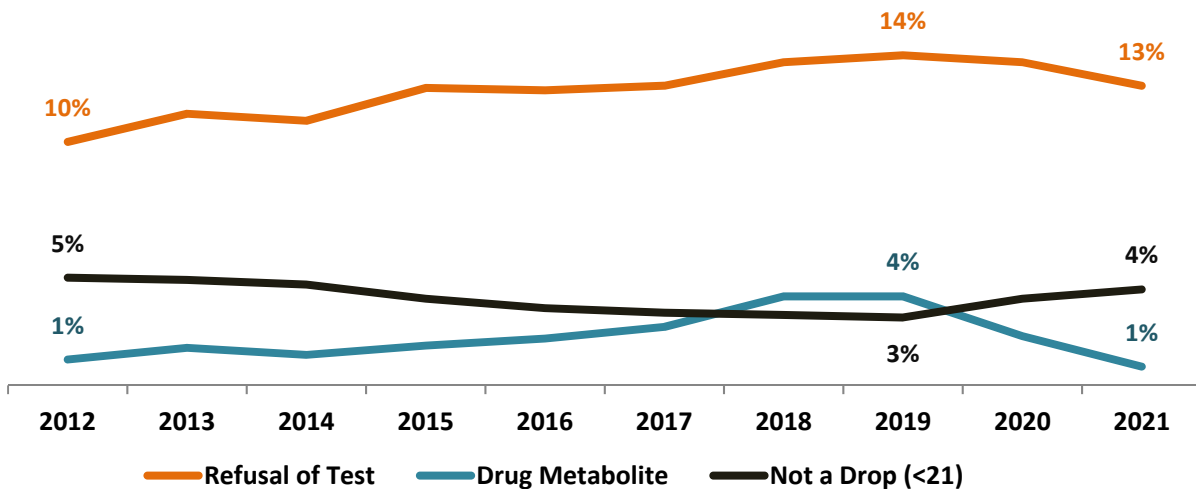


Arrests by Violation Type

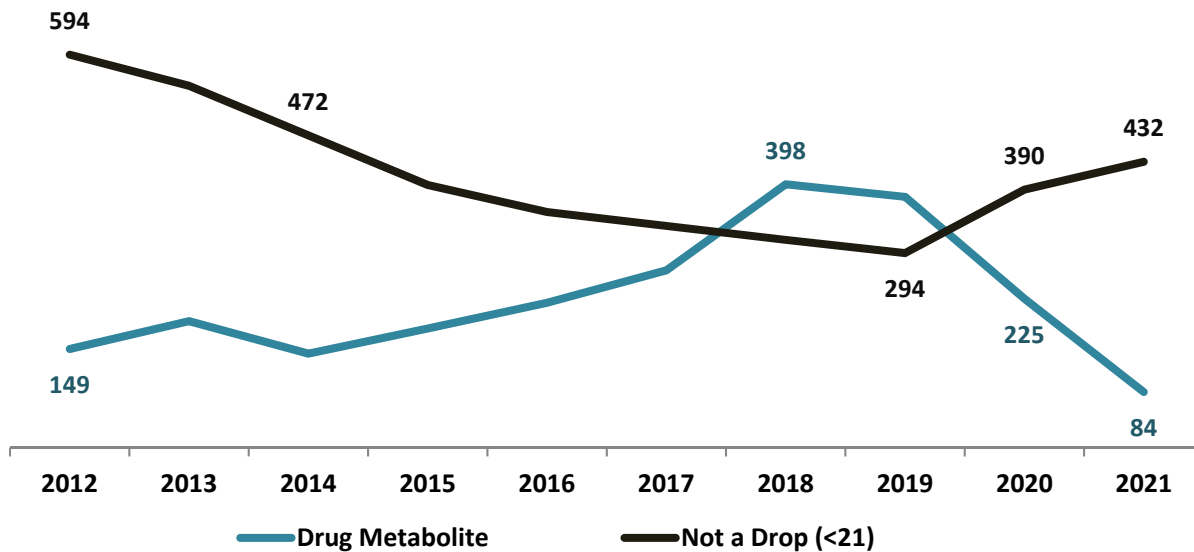
The distribution of DUI-related arrests by type of violation in FY 2021 was similar to previous years (see [Table A9](#) in Appendix), with the vast majority (82%) for **per se violations**. Per se violations occur when the driver has a blood/breath alcohol concentration (BAC) greater than the legal limit (.05 as of December 30, 2018), or is impaired by alcohol, drugs, or a combination of the two to the extent it is unsafe to operate a vehicle. 13% of arrests were for **refusal to submit to a chemical test** – under Utah law, drivers are considered to have given consent to tests of breath, blood, urine, or oral fluids to determine whether they are driving under the influence of alcohol and/or other drugs. Violations of the **Not a Drop statute**, by persons under the age of 21 who drove with any measurable alcohol concentration in their body, accounted for 4% of the arrests (similar to FY 2020). It is also illegal to drive with any measurable controlled substance or **metabolite of a controlled substance** in a person's body – this accounted for 1% of arrests, down from 2% in FY 2020 and 4% in FY 2019. Arrests of **commercial drivers** exceeding the .04 limit represented less than 1% of the total.

The figures below show how the distribution of violation types has varied over the past ten years (per se violations were left out, as these have not varied much from an average of 81% over this period). Arrests involving violations of the Not a Drop statute (< 21 years old) have remained fairly stable as a percentage of overall arrests over the past ten years, while those involving a positive drug metabolite test have decreased in the past two years. The second figure shows the raw number of arrests for drug metabolite and Not a Drop violations. After more than doubling from FY 2014 to FY 2018, drug metabolite arrests in FY 2021 were at a ten-year low. In contrast, while Not a Drop arrests are still well below the number from ten years ago in FY 2012, the 432 arrests for this statute in FY 2021 were the highest since FY 2014.

DUI-Related Arrest Violation Type % FY2012-21



DUI-Related Arrests - Selected Violation Types



Source: Utah Department of Public Safety, Driver License Division

DUI Overtime Enforcement Events

The arrests made in SFY 2021/FFY 2021 included those that occurred as a result of specialized DUI overtime enforcement events such as enforcement blitzes, saturation patrols, and DUI checkpoints. State funding from DUI impound fees collected, as well as federal funding from the National Highway Traffic Safety Administration (NHTSA), was used to fund the overtime shifts coordinated through the Utah Highway Safety Office. Law enforcement agencies throughout Utah participated, including local police agencies, sheriffs' offices, the Utah Highway Patrol, and university police departments. The table below shows the measures associated with these specialized DUI overtime enforcement events. The total DUI shifts worked were down 29% from 2020 levels, though they have still almost doubled (+98%) over a ten year period, with vehicles stopped (+88%) and all other indicators below up significantly during that time as a result.

Statewide DUI Overtime Enforcement Events	State-Funded	Federally-Funded	Totals
	SFY 2021*	FFY 2021*	
DUI Shifts Worked	3,381	810	4,191
Vehicles Stopped	27,732	8,574	36,306
DUI Arrests**	1,390	236	1,626
Vehicles Impounded	1,187	209	1,396
Alcohol-Related Arrests***	844	236	1,080
Drug-Related Arrests****	1,369	289	1,658
Warrants Served	453	94	547
Other Warnings/Citations	30,443	7,797	38,240
Designated Drivers Observed/Documented	277	71	348

Source: Utah Department of Public Safety, Highway Safety Office
 *SFY 2021 = July 1, 2020 – June 30, 2021; FFY 2021 = October 1, 2020 – September 30, 2021
 **Includes 988 DUI/alcohol-related, 542 DUI/drug-related, and 96 metabolite arrests
 ***Includes open container and underage/youth alcohol violations (e.g., possession, consumption, attempted purchase, Not a Drop)
 ****Felony and misdemeanor (e.g., drug possession)

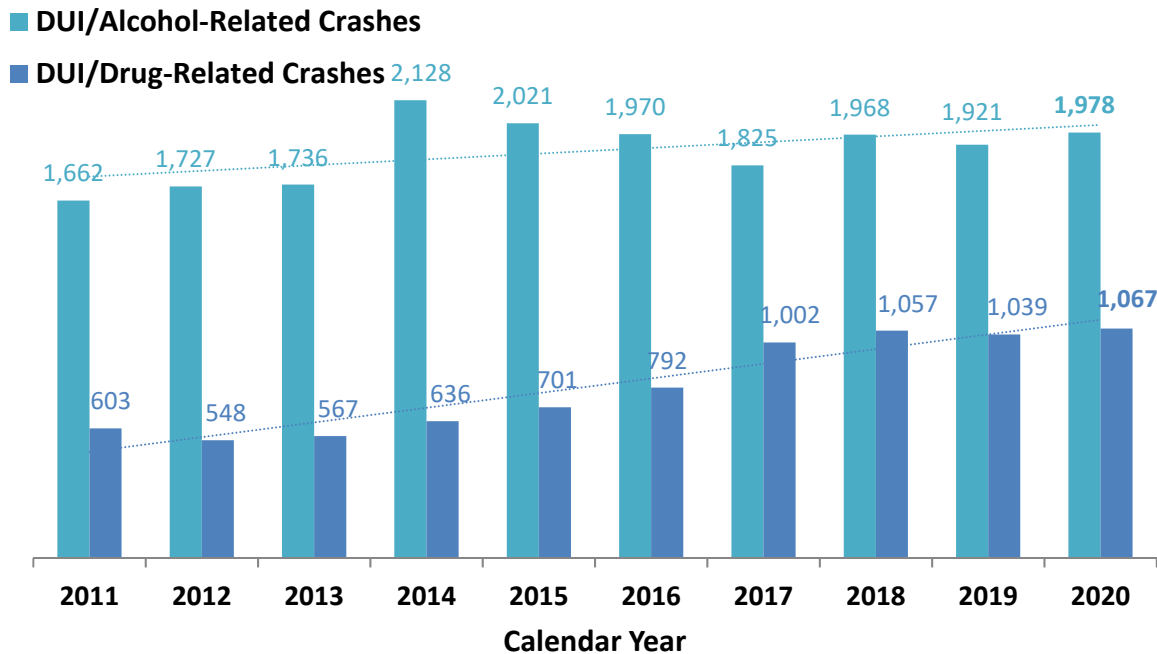
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Crashes, Injuries, & Fatalities

Each year, the Department of Public Safety's Highway Safety Office tracks the number of crashes, injuries, and fatalities related to DUIs involving both alcohol and drugs (see [Tables A10 and A11](#) in the Appendix for the full data tables for each). The following three sections will discuss each of these separately.

DUI-Related Crashes

Out of a total of 52,205 automobile crashes in 2020 (calendar year), a very small percentage were related to either alcohol (3.7%) or drug (2.0%) DUIs. Although there are consistently more alcohol-related crashes than drug-related crashes, this gap closed considerably starting in 2017. Alcohol-related crashes have been fairly steady over the past seven years, while drug-related crashes have leveled off after a marked increase from 2013-17 (though the 1,067 crashes in 2020 still marks a 77% increase over the ten year period since 2011). Additionally, alcohol and drug-related crashes have increased slightly in 2020 even with total automobile crashes dropping to their lowest level since 2012, down 19% from 64,595 in 2019.

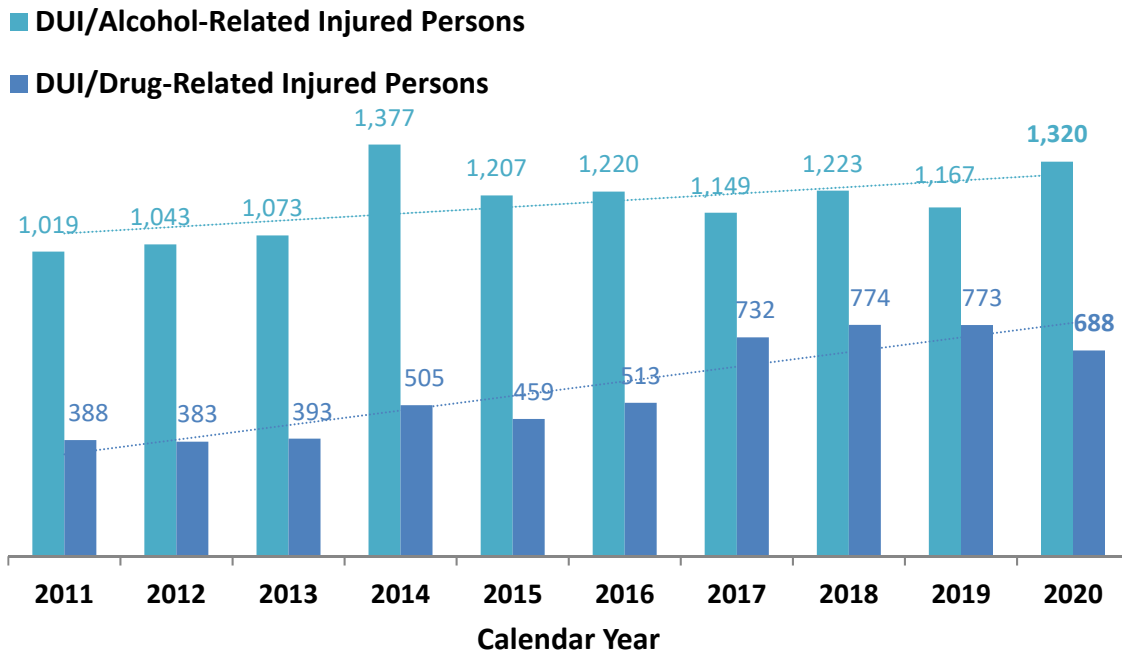


Source: Utah Department of Public Safety, Highway Safety Office

Note: DUI/alcohol-related crashes include only those incidents that involved alcohol; DUI/drug-related crashes include only those incidents that involved drugs and no alcohol.

DUI-Related Injuries

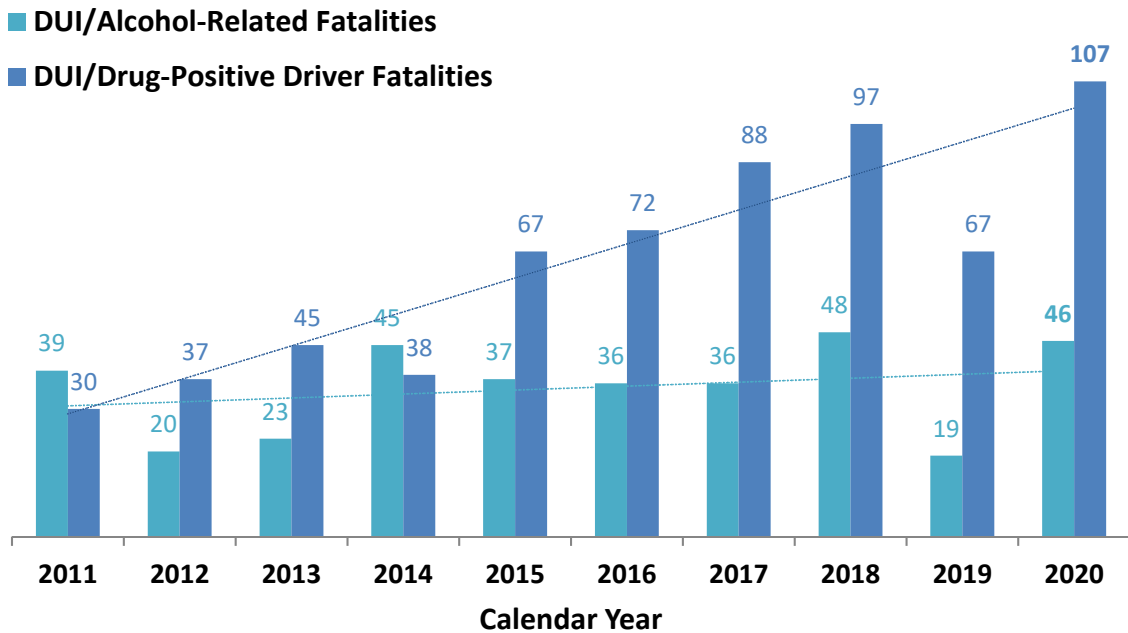
The trends for DUI-related injuries are very similar to those seen for crashes. Once again, a small percentage of the 22,814 total injured persons involved in automobile crashes in 2020 (calendar year) were related to either alcohol (5.7%) or drug (3.0%) DUIs, though these percentages are somewhat higher than for crashes. In addition, there have consistently been more persons injured in alcohol-related crashes per year, though injuries in both alcohol-related and drug-related crashes have grown over this period. There were 1,320 persons injured in alcohol-related crashes in 2020, up 13% from 2019 (and similar to the ten-year high in 2014). The 688 persons injured in drug-related crashes in 2020 was down 11% from 2019.



Source: Utah Department of Public Safety, Highway Safety Office

DUI-Related Fatalities

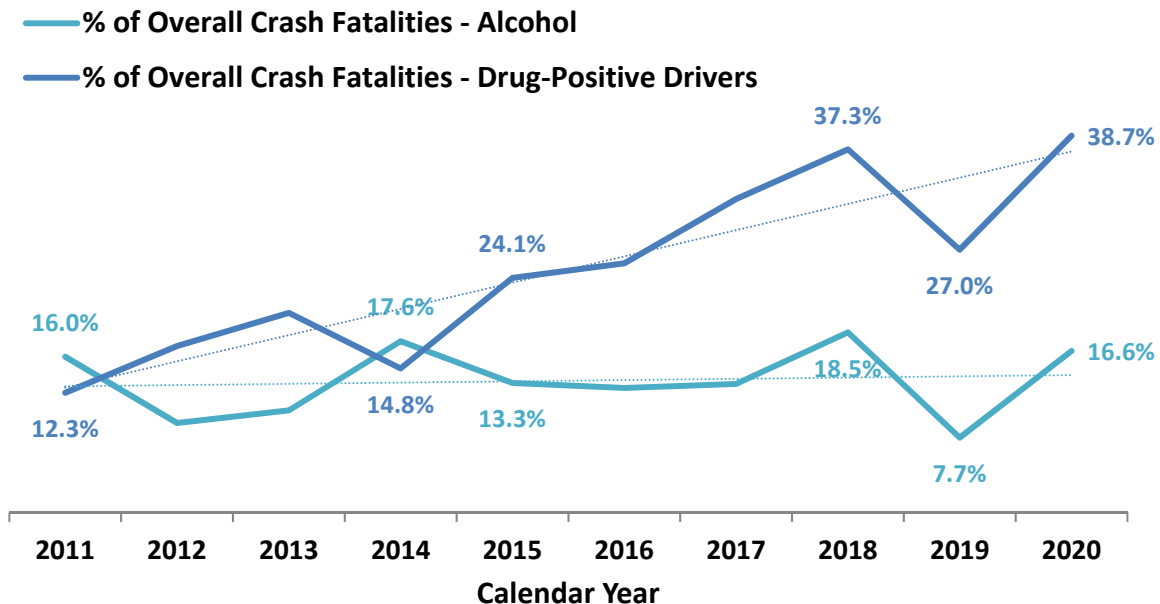
As seen in the figures on the next page, DUI-related fatalities involving both alcohol and drugs were down considerably in 2019 (calendar year), but bounced back in 2020 to levels similar to 2018. The 67 alcohol-related fatalities in 2020 were more than double (+142%) the 19 fatalities in 2019, more in line with the 48 that occurred in 2018. Despite this recent volatility, alcohol-related fatalities have been more consistent over the past ten years than drug-positive driver fatalities. After a hopeful decrease in 2019, drug-positive driver fatalities jumped 60% from 67 to 107 in 2020. This 2020 number is more in line with the upward trend that had been established through 2018, and makes 2019 look like an anomaly. Over the past ten years, drug-positive driver fatalities have more than tripled (+257%), from 30 in 2011 to 107 in 2020.



Source: Utah Department of Public Safety, Highway Safety Office

Note: DUI/alcohol-related fatalities include only those incidents where at least one of the drivers had a BAC of $\geq .08$ ($\geq .05$ starting January 1, 2019). DUI/drug-positive driver fatalities include only drivers who tested positive for drugs and had a BAC of $< .08$ ($< .05$ starting January 1, 2019). **Drug presence does not imply impairment.**

Like the raw number of both alcohol- and drug-related DUI fatalities, both increased as a percentage of the overall number of crash fatalities. Unlike crashes and injuries, these DUI-related fatalities make up a far greater percentage of total crash fatalities in a given year. Of the 276 total crash fatalities in 2020, 16.6% were alcohol-related (up from 7.7%) and 38.7% involved a drug-positive driver fatality (up from 27%). As seen in the figure below, crashes involving drug-positive drivers have become increasingly fatal over the past six years (compared to 2011-14 levels that were more in line with alcohol-related crash fatalities).

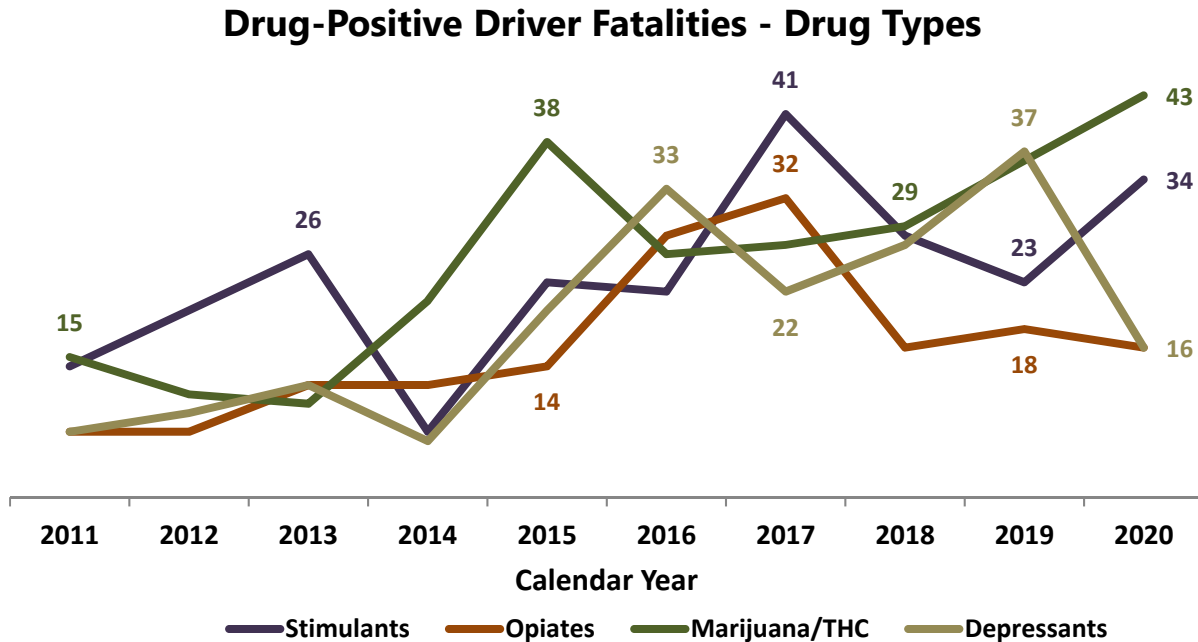


Source: Utah Department of Public Safety, Highway Safety Office

Note: DUI/alcohol-related fatalities include only those incidents where at least one of the drivers had a BAC of $\geq .08$ ($\geq .05$ starting January 1, 2019). DUI/drug-positive driver fatalities include only drivers who tested positive for drugs and had a BAC of $< .08$ ($< .05$ starting January 1, 2019). **Drug presence does not imply impairment.**

Drug Positive Driver Test Results in Fatal Crashes – Drug Types

The most common drugs found in drug positive tests in fatal crashes in 2020 were marijuana/THC (N = 43), stimulants (e.g., methamphetamine, amphetamines, cocaine; N = 34), depressants (e.g., barbiturates, sedatives; N = 16), and opioids/narcotic analgesics (e.g., oxycodone, hydrocodone, morphine, heroin, fentanyl; N = 16). The figure below shows the trends over the past ten years for these four most common drug types found in positive drug tests of drivers in fatal automobile crashes. Marijuana positive tests in 2020 exceeded their previous peak in 2015. Stimulant positive tests also increased in 2020 after decreasing for two years following a peak in 2017. Depressant positive tests were down considerably in 2020 after a ten-year high in 2019, while opioid positive tests stayed low for a third consecutive year after peaking in 2017. It should be noted that a driver in a fatal crash can test positive for more than one drug as well as alcohol (when the BAC is greater than the legal limit, the fatality would count as an alcohol-related fatality even with a positive drug test – there were 153 total combined substance-related fatalities in 2020). See [Table A12](#) in the Appendix for the full data related to this topic.



Source: Utah Department of Public Safety, Highway Safety Office

Note: DUI/drug-positive driver fatalities include only drivers who tested positive for drugs and had a BAC of < .08 (< .05 starting January 1, 2019). **Drug presence does not imply impairment.** More than one drug may be present in a positive test result.

4

Court Activities

Adjudications and Sanctions

DUI-related offenses are classified as either misdemeanors or felonies, depending on the type of offense and whether it is a repeat offense.

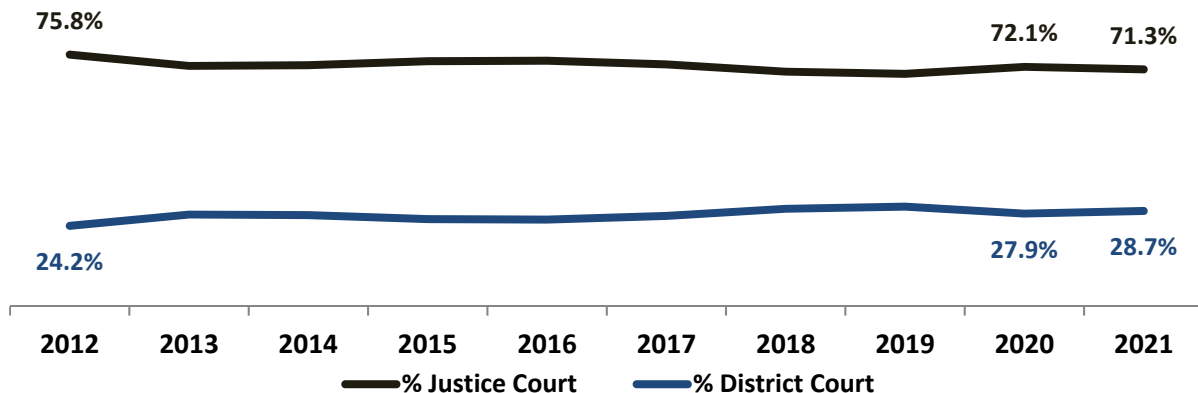
- In general, first and second DUI offenses (within 10 years) are classified as **Class B misdemeanors**.
- A first or second DUI offense (within 10 years) is classified as a **Class A misdemeanor** if it involves bodily injury, a passenger who is under 16 years of age, a passenger under 18 years of age if the driver is 21 or older, or if the driver was driving in the wrong direction on a freeway or controlled-access highway.
- A DUI offense is classified as a **3rd degree felony** if it is a third or subsequent offense within 10 years, if it involves serious bodily injury, or if the person has any prior felony DUI conviction or automobile homicide conviction.

Utah's **Justice Courts**, which are established by municipalities and counties, handle offenses classified as Class B misdemeanors, Class C misdemeanors, violations of local ordinances, small claims, and infractions committed within their territorial jurisdiction. Justice Court jurisdictions are determined by the boundaries of the local government entities (e.g., city or county), which hire the judges. On the other hand, **District Courts** are the state trial courts of general jurisdiction. These courts have original jurisdiction to try all civil cases, all criminal felonies, and misdemeanors in certain circumstances. DUI offenses classified as Class A misdemeanors and felonies are under the jurisdiction of the state's District Courts.

DUI-Related Cases and Outcomes

Utah courts disposed 10,181 total DUI-related cases in FY 2021, up 12% from FY 2020. Of these cases, 7,260 (71%) were handled by Utah's Justice Courts (up 11% from FY 2020), while 2,921 (29%) were handled by the state's District Courts (up 15% from FY 2020; see [Table A13](#)). The percentage of cases disposed of by Justice Courts has decreased somewhat over the past ten years.

DUI-Related Case Disposition Court Type % FY2012-21



Source: Utah Administrative Office of the Courts

Of the 7,260 DUI-related cases disposed by Utah’s Justice Courts during FY 2021, 79% resulted in a guilty plea or equivalent verdict. A similar rate was found in the District Courts, as 81% of the 2,921 cases disposed resulted in a guilty plea or equivalent verdict. See [Table A14](#) in the Appendix for the overall disposition rates by court type, and [Tables A15-16](#) for dispositions by county for the Justice Courts and by judicial district for the District Courts.

DUI-Related Sanctions

Additional DUI-related case information collected by the Courts can be found in [Table A17](#) in the Appendix. The data indicate that in FY 2021, Justice Court judges ordered offenders to complete supervised (non-court) probation in 1,980 cases (34% of the total cases with a guilty plea or verdict), ordered electronic monitoring in 428 cases (7%), and ordered ignition interlock devices in 992 cases (17%). Additionally, District Court judges ordered offenders to complete supervised (non-court) probation in 1,562 cases (65% of the total guilty cases), ordered electronic monitoring in 291 cases (12%), and ordered ignition interlock devices in 452 cases (19%).

Orders for Screening, Assessment, Treatment, and Education

See [Table A18](#) in the Appendix for full data on substance use disorder screening and assessment, substance use disorder treatment, and educational series court orders.

Screening & Assessment

As part of any sentence for a DUI-related offense, Utah law requires offenders to participate in a screening and, if indicated by the screening, an assessment. A screening involves gathering information that is used to determine if an individual has a problem with alcohol and/or other drugs, and if so, whether an in-depth clinical assessment is appropriate. An assessment is a collection of detailed information concerning the individual’s alcohol and/or other drug use, emotional and physical health, social roles, and other relevant areas of the individual’s life. The assessment is used to determine the need for substance use disorder treatment.¹

In FY 2021, Justice Court judges ordered offenders to complete substance use disorder screening and assessment in 4,434 cases, which was 77% of the cases with a guilty plea or verdict. The number of orders was up slightly (+1%) from FY 2020. District Court judges were less likely to order screening and assessment, with orders in 1,358 cases (57% of cases with a guilty plea or verdict). The total number of District Court orders was also up (+16%) from FY 2020 after a decline between FY 2019-20. Overall, 71% of DUI-related cases with a guilty plea or verdict were ordered to screening and assessment.

Treatment

For a first and second DUI-related offense, the court *may* order treatment; for a third or subsequent offense within 10 years, the court *must* order substance use disorder treatment. “Treatment involves the application of planned procedures to identify and change patterns of behavior that are maladaptive, destructive, and/or injurious to health; or to restore appropriate levels of physical, psychological and/or social functioning. Offenders assessed as meeting the

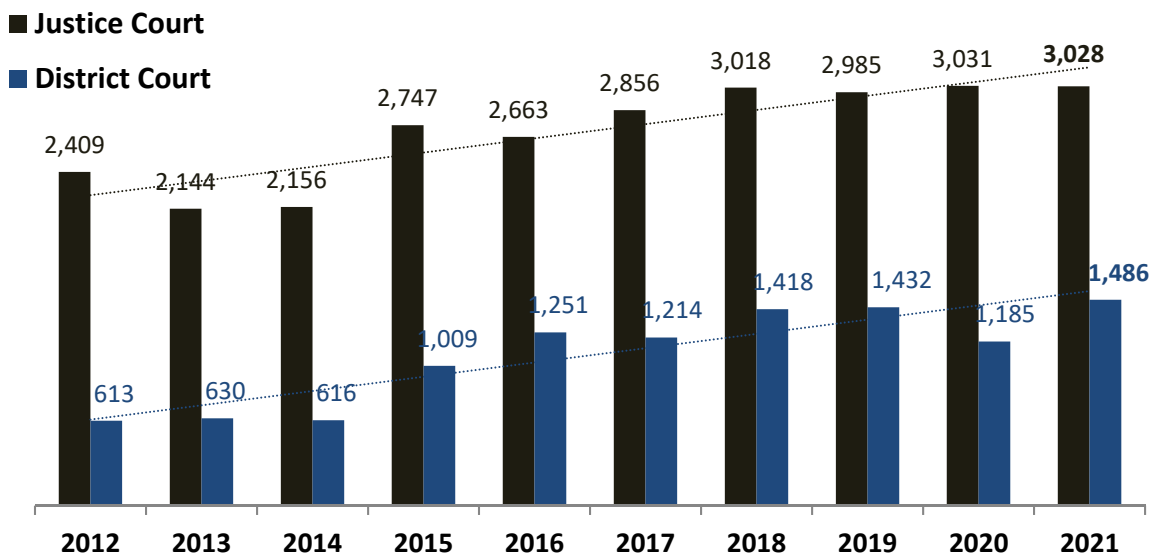
¹ Center for Substance Abuse Treatment, *Screening and Assessment for Alcohol and Other Drug Abuse Among Adults in the Criminal Justice System*, Treatment Improvement Protocol (TIP) Series, #7.

diagnostic criteria for a substance use disorder should participate in a treatment program in addition to, or in lieu of, the educational course.”² Treatment should address both alcohol and other substance use disorders. The level of treatment needed (e.g., day treatment, outpatient, intensive outpatient, residential) is determined by the assessment on the basis of the severity of the substance use disorder.

In FY 2021, Justice Court judges ordered offenders to complete substance use disorder treatment in 3,028 cases, which was 52% of the cases with a guilty plea or verdict. The number of orders was on par with FY 2020 (3,031), but the percentage decreased (from 61% in FY 2020). District Court judges were somewhat more likely to order treatment, with orders in 1,486 cases (62% of cases with a guilty plea or verdict). The number of orders was up from FY 2020 (from 1,185) and the percentage increased (from 59%). Overall, 55% of DUI-related cases with a guilty plea or verdict were ordered to treatment (down from 60% in FY 2020).

As the figure below indicates, orders for substance use disorder treatment have been generally increasing over the past ten years, even while DUI arrests have decreased over the same period. Justice Court judge orders for treatment have increased 40% since FY 2014, and District Court judge orders have more than doubled (+141%) since FY 2014.

Treatment Orders in DUI-Related Cases by Court FY2012-21



Source: Utah Administrative Office of the Courts

Note: Earlier years may not have full participation of the Justice Courts reporting to the CORIS database.

Education

For a first DUI-related offense and for a second offense within 10 years, the sentence must include participation in an educational series if the court does not order treatment. The purpose of DUI education is to “address any problems or risk factors that appear to be related to use of alcohol and other drugs and attempt to help the individual recognize the harmful consequences of inappropriate use, with special emphasis placed on the dangers of drinking and driving.”³ Utah

² Utah Sentencing Commission, *DUI Best Sentencing Practices Guidebook*, 2003.

³ Utah Sentencing Commission, *DUI Best Sentencing Practices Guidebook*, 2003.

DUI offenders sentenced to an educational series attend the PRIME For Life® (PFL) program developed by the Prevention Research Institute (PRI). “PRIME For Life® is a motivational intervention that provides education and strategies for individuals who have experienced problems due to high-risk alcohol or drug use. PFL is an interactive experience designed to motivate and guide individuals toward making low-risk choices and adopting more accurate beliefs about personal risk that will support those low-risk choices. The program provides research-based, low-risk guidelines and assists participants in making choices to best protect what they value.”⁴

Not surprisingly, educational series orders were much more common in the Justice Courts. In FY 2021, Justice Court judges ordered offenders to complete the educational series in 2,940 cases, which was 51% of the cases with a guilty plea or verdict. District Court judges only ordered the educational series in 519 cases (22% of cases with a guilty plea or verdict). Overall, 42% of DUI-related cases with a guilty plea or verdict were ordered the educational series.

The DUI Sanctions Appendix, included at the end of this report provides detailed information regarding DUI-related offense classifications and sanctions.

⁴Stafford, P., Beadnell, B., Rosengren, D.B., Carter-Lunceford, C., & Huynh, H. (2012, April). *PRIME For Life UTAH 2011 Evaluation Report Executive Summary*. Lexington, KY: Prevention Research Institute.

5

Driver License Control Hearings

The Department of Public Safety's Driver License Division is required to suspend or revoke the license of a person who has been convicted or sanctioned for the following:

- Driving under the influence of alcohol and/or other drugs
- Driving with any measurable controlled substance or metabolite in the body
- Not a Drop violation (persons under 21 years of age)
- Refusal to submit to a chemical test
- Automobile homicide
- "No-alcohol" conditional license
- Alcohol restricted driver (ARD) violation
- Interlock restricted driver (IRD) conviction

Hearing Statistics

A driver arrested for a DUI-related offense may request a license hearing within 10 days, and the Driver License Division must schedule the hearing within 30 days. As shown in the table below, there were 3,370 requested alcohol hearings held in FY 2021, down significantly from the 5,663 held in FY 2020. The Division is unable to take any action against a driver if the arresting officer does not appear at the hearing. To improve appearance rates, the Division offers a telephonic option whereby officers or offenders can phone in for the hearing. In 3,046 (90%) of the cases, at least one of the parties called in for the hearing. In 1,248 (37%) of the cases, no action could be taken against the driver due to the absence of the arresting officer at the hearing or other factors.

Type of Violation	Total Number of Hearings	Total Telephonic	Hearings Resulting in No Action		
			No Officer No Action	Other No Action	Total No Action
Per Se Alcohol/Drug	2,792	2,511	841	246	1,087
Not a Drop (< 21)	125	111	42	8	50
Refusal of Chemical Test	453	424	93	18	11
TOTAL	3,370	3,046	976	272	1,248
Source: Utah Department of Public Safety, Driver License Division					

APPENDIX: Associated Data Tables

The following tables provide more detailed data for information referenced in this report.

Note: If you linked to a table from the report, you may return to that page by clicking the link next to the table title (e.g., “Return to p.J”).

Table A1. DUI-related Arrests by County and Region in FY 2021, Compared to Population ([Return to p.A](#))

County	DUI-Related Arrests FY 2021		Utah Population (2020 Census)	
	Number	Percent	Number	Percent
Beaver	61	0.6%	7,072	0.2%
Box Elder	209	2.0%	57,666	1.8%
Cache	319	3.0%	133,154	4.1%
Carbon	108	1.0%	20,412	0.6%
Daggett	3	<0.1%	935	0.0%
Duchesne	99	0.9%	19,596	0.6%
Emery	53	0.5%	9,825	0.3%
Garfield	27	0.3%	5,083	0.2%
Grand	54	0.5%	9,669	0.3%
Iron	200	1.9%	57,289	1.8%
Juab	165	1.6%	11,786	0.4%
Kane	37	0.3%	7,667	0.2%
Millard	83	0.8%	12,975	0.4%
Morgan	26	0.2%	12,295	0.4%
Piute	5	0.1%	1,438	0.0%
Rich	23	0.2%	2,510	0.1%
San Juan	114	1.1%	14,518	0.4%
Sanpete	105	1.0%	28,437	0.9%
Sevier	44	0.4%	21,522	0.7%
Summit	211	2.0%	42,357	1.3%
Tooele	371	3.5%	72,698	2.2%
Uintah	170	1.6%	35,620	1.1%
Wasatch	237	2.2%	34,788	1.1%
Washington	789	7.4%	180,279	5.5%
Wayne	7	0.1%	2,486	0.1%
Non-Wasatch/Rural	3,520	33.1%	802,077	24.5%
Davis	878	8.3%	362,679	11.1%
Utah	1,831	17.2%	659,399	20.2%
Weber	789	7.4%	262,223	8.0%
Other Wasatch Front	3,498	32.9%	1,284,301	39.3%
Salt Lake	3,601	33.9%	1,185,238	36.2%
TOTAL	10,619	100.0%	3,271,616	100.0%

Table A2. DUI-related Arrest Rates* by County and Region, FY 2012-21 (Return to p.1€)

County/Region	Fiscal Year									
	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Beaver	90.7	74.4	75.9	100.6	74.0	108.3	115.9	100.3	83.5	86.3
Box Elder	25.2	28.6	25.6	27.2	35.7	28.2	30.9	28.0	28.7	36.2
Cache	35.8	33.8	27.3	22.1	26.2	21.6	24.3	18.6	26.0	24.0
Carbon	54.0	63.0	31.0	29.0	31.3	36.3	47.8	43.4	43.5	52.9
Daggett	116.6	108.4	35.5	62.7	0.0	9.1	38.9	61.2	31.6	32.1
Duchesne	81.1	99.6	72.9	55.9	44.6	43.8	50.4	37.6	34.6	50.5
Emery	53.7	59.0	63.3	51.7	33.8	41.1	46.6	56.9	46.9	53.9
Garfield	56.3	35.1	33.4	35.8	2.0	38.1	45.3	27.6	37.6	53.1
Grand	130.9	158.2	99.4	105.0	107.2	74.1	74.4	100.4	88.2	55.8
Iron	50.9	50.3	56.6	58.2	43.8	39.9	58.2	33.9	37.4	34.9
Juab	99.8	108.4	71.5	58.2	98.2	96.3	103.1	109.0	104.9	140.0
Kane	86.0	54.9	79.9	68.9	61.7	49.1	44.9	32.4	35.5	48.3
Millard	73.1	63.4	50.5	55.5	69.6	90.6	99.5	73.8	70.5	64.0
Morgan	35.2	25.2	17.7	33.0	30.7	24.5	26.1	23.2	20.6	21.1
Piute	25.9	26.0	19.9	20.2	19.8	6.8	21.1	27.7	33.8	34.8
Rich	57.1	66.5	65.6	43.6	30.3	21.6	20.9	48.7	28.2	91.6
San Juan	37.4	52.5	45.4	43.9	39.3	31.4	50.1	64.7	74.5	78.5
Sanpete	27.7	21.4	22.3	25.6	20.2	26.9	31.0	27.1	24.2	36.9
Sevier	78.0	53.6	77.2	50.5	31.9	28.2	51.1	38.5	37.0	20.4
Summit	93.0	67.6	62.1	65.5	56.3	51.9	39.9	57.2	52.2	49.8
Tooele	83.4	73.4	58.3	63.6	60.8	63.1	53.8	54.9	44.8	51.0
Uintah	130.3	102.5	69.5	49.9	47.5	36.6	39.5	54.5	54.8	47.7
Wasatch	49.5	61.1	58.6	71.1	95.7	94.7	63.9	40.3	63.4	68.1
Washington	56.5	28.0	27.9	32.2	31.1	30.7	33.4	32.0	31.8	43.8
Wayne	29.2	3.7	3.6	11.0	3.7	3.7	7.4	14.9	40.6	28.2
Non-Wasatch/Rural	53.7	50.5	43.6	42.9	41.9	40.1	42.2	39.0	39.7	43.9
Davis	39.5	33.5	25.4	24.8	26.3	26.6	24.8	25.0	26.3	24.2
Utah	29.1	26.8	27.7	28.5	28.5	26.1	25.8	26.2	26.8	27.8
Weber	44.8	46.2	42.5	51.4	44.4	42.4	38.8	32.3	28.7	30.1
Other Wasatch Front	35.5	32.9	30.2	32.3	31.2	29.6	28.2	27.2	27.1	27.2
Salt Lake	52.6	48.1	41.2	37.2	36.8	38.0	33.2	31.4	34.4	30.4
Statewide TOTAL	46.3	42.9	37.6	36.7	35.9	35.3	33.5	31.6	32.9	32.5
Source for DUI Arrest Data: Utah Department of Public Safety, Driver License Division										
Source for Population Data: U.S. Census Bureau, Population Division										
*Arrest Rates are the number of arrests per 10,000 population										

Table A3. DUI-Related Arrests by Gender ([Return to p.10](#))

DUI-Related Arrests by Gender	FY 2019		FY 2020		FY 2021	
	Number	Percent	Number	Percent	Number	Percent
Male	7,112	71.2%	7,598	72.1%	7,834	73.8%
Female	2,657	26.6%	2,678	25.4%	2,552	24.0%
Unspecified	226	2.2%	256	2.4%	233	2.2%
TOTAL	9,995	100.0%	10,532	100.0%	10,619	100.0%

Source: Utah Department of Public Safety, Driver License Division

Table A4. DUI-Related Arrests by Age ([Return to p.10](#))

DUI-Related Arrests by Age	FY 2019		FY 2020		FY 2021	
	Number	Percent	Number	Percent	Number	Percent
Ages 13-20	1,101	11.0%	1,306	12.4%	1,287	12.1%
Ages 21-24	1,347	13.4%	1,474	14.0%	1,473	13.9%
Ages 25-36	3,734	37.3%	3,902	37.1%	3,914	36.9%
Ages 37-48	2,242	22.4%	2,384	22.6%	2,465	23.2%
Ages 49-84	1,571	15.7%	1,466	13.9%	1,480	13.9%
TOTAL	9,995	100.0%	10,532	100.0%	10,619	100.0%

Source: Utah Department of Public Safety, Driver License Division

Table A5. DUI-Related Arrests by Agency Type ([Return to p.10](#))

DUI-Related Arrests by Agency Type	FY 2019		FY 2020		FY 2021	
	Number	Percent	Number	Percent	Number	Percent
Sheriffs' Offices	1,234	12.3%	1,175	11.2%	1,295	12.2%
City Police/Other	5,692	56.9%	6,016	57.1%	6,067	57.1%
Highway Patrol	3,069	30.7%	3,341	31.7%	3,257	30.7%
TOTAL	9,995	100.0%	10,532	100.0%	10,619	100.0%

Source: Utah Department of Public Safety, Driver License Division

Table A6. DUI-Related Arrests by Blood/Breath Alcohol Concentration (BAC) ([Return to p.10](#))

DUI-Related Arrests by BAC	FY 2019		FY 2020		FY 2021	
	Number	Percent	Number	Percent	Number	Percent
BAC Result Not Reported*	4,106	41.0%	4,302	40.9%	5,167	48.7%
.00 - .04	202	2.0%	275	2.6%	150	1.4%
.05 - .07	370	4.0%	488	4.6%	387	3.6%
.08 - .10	661	6.6%	726	6.9%	640	6.0%
.11 - .15	1,401	14.0%	1,386	13.2%	1,184	11.1%
.16 - .20	1,227	12.0%	1,173	11.1%	995	9.4%
.21 - .25	725	7.0%	591	5.6%	514	4.8%
.26 - .45	500	5.0%	397	3.8%	271	2.6%
Refused BAC Test	803	8.0%	1,194	11.3%	1,311	12.3%
TOTAL	9,995	100.0%	10,532	100.0%	10,619	100.0%

Source: Utah Department of Public Safety, Driver License Division
 *Arrestee may have submitted to a blood test, but the Driver License Division never received the results, or this was a DUI/drug-related arrest and there was no BAC.

Table A7. Repeat Offenders by Type of DUI-related Arrest ([Return to p.1E](#))

Note: The following table shows repeat offender data by type of DUI-related arrest. Data were calculated by identifying arrests that occurred in FY 2021 as a starting point, then counting back ten years to determine previous arrests. Each arrest was placed in a column determined by the type of the arrest or violation.

FY 2021 Arrest Type Offense	Per se Alcohol (.05)/ Drug	Refusal of Chemical Test	Not a Drop (<21)	Drug Metabolite	Commercial Driver (.04)	Unknown (no box marked)	TOTAL	
							Number	Percent
1 st	6,156	817	378	62	8	2	7,423	70.0%
2 nd	1,681	339	24	16	3	2	2,065	19.4%
3 rd	592	128	18	5	0	0	743	7.0%
4 th	204	48	9	1	0	0	262	2.5%
5 th	67	22	3	0	0	0	92	0.8%
6 th -10 th	25	8	0	1	0	0	34	0.3%
TOTAL	8,725	1,362	432	85	11	0	10,619	100.0%

Source: Utah Department of Public Safety, Driver License Division

Table A8. DUI-related Arrests by Month ([Return to p.1F](#))

DUI-Related Arrests by Month	FY 2019		FY 2020		FY 2021	
	Number	Percent	Number	Percent	Number	Percent
July	805	8.1%	894	8.5%	874	8.2%
August	830	8.3%	898	8.5%	967	9.1%
September	871	8.7%	856	8.1%	866	8.2%
October	830	8.3%	840	8.0%	876	8.3%
November	810	8.1%	1,010	9.6%	814	7.7%
December	810	8.1%	931	8.8%	857	8.1%
January	845	8.4%	1,020	9.7%	896	8.4%
February	723	7.2%	1,011	9.6%	839	7.9%
March	866	8.7%	851	8.1%	947	8.9%
April	871	8.7%	606	5.8%	875	8.2%
May	867	8.7%	914	8.7%	898	8.5%
June	867	8.7%	701	6.7%	910	8.6%
TOTAL	9,995	100.0%	10,532	100.0%	10,619	100.0%

Source: Utah Department of Public Safety, Driver License Division

Table A9. Arrests by Violation Type ([Return to p.14](#))

DUI-Related Arrests by Violation Type	FY 2019		FY 2020		FY 2021		Percent Change FY 20-21
	Number	Percent	Number	Percent	Number	Percent	
Per se Alcohol/Drug	7,890	78.9%	8,460	80.3%	8,726	82.2%	+3.1%
Refusal of Chemical Test	1,406	14.1%	1,448	13.8%	1,362	12.8%	-5.9%
Drug Metabolite	379	3.8%	225	2.1%	84	0.8%	-62.7%
Not a Drop (< 21)	294	2.9%	390	3.7%	432	4.1%	+10.8%
Commercial Driver (.04)	5	0.1%	8	0.1%	11	0.1%	+37.5%
Unknown (no box marked)	21	0.2%	1	<0.1%	4	<0.1%	+300.0%
TOTAL	9,995	100.0%	10,532	100.0%	10,619	100.0%	+0.8%

Source: Utah Department of Public Safety, Driver License Division

Table A10. DUI/Alcohol-related Crashes, Injuries, and Fatalities by Calendar Year ([Return to p.17](#))

DUI/Alcohol-Related Crashes, Injuries and Fatalities in Utah, CY 2011-2020									
Calendar Year	Crashes			Injuries			Fatalities		
	Total Crashes	DUI/Alcohol Crashes*	Percent DUI/Alcohol	Total Injured Persons	DUI/Alcohol Injured Persons	Percent DUI/Alcohol	Total Crash Fatalities	DUI/Alcohol Fatalities**	Percent DUI/Alcohol
2011	52,287	1,662	3.2%	22,325	1,019	4.6%	243	39	16.0%
2012	50,600	1,727	3.4%	22,336	1,043	4.7%	217	20	9.2%
2013	55,637	1,736	3.1%	22,740	1,073	4.7%	220	23	10.5%
2014	54,036	2,128	3.9%	23,364	1,377	5.9%	256	45	17.6%
2015	60,012	2,021	3.4%	25,332	1,207	4.8%	278	37	13.3%
2016	62,471	1,970	3.2%	26,738	1,220	4.6%	281	36	12.8%
2017	62,855	1,825	2.9%	25,833	1,149	4.4%	273	36	13.2%
2018	64,340	1,968	3.1%	18,141	1,223	6.7%	260	48	18.5%
2019	64,594	1,921	2.9%	26,794	1,129	4.2%	248	19	7.7%
2020	52,205	1,978	3.7%	22,814	1,320	5.7%	276	46	16.6%

Source: Utah Department of Public Safety, Highway Safety Office
 *DUI/alcohol-related crashes include only those incidents that involved alcohol.
 **DUI/alcohol-related fatalities include only those incidents where at least one of the drivers had a BAC of $\geq .08$ ($\geq .05$ starting January 1, 2019).

Table A11. DUI/Drug-related Crashes, Injuries, and Fatalities by Calendar Year ([Return to p.17](#))

DUI/Drug-Related Crashes, Injuries and Fatalities in Utah, CY 2011-2020									
Calendar Year	Crashes			Injuries			Fatalities		
	Total Crashes	DUI/Drug-Related Crashes*	Percent DUI/Drug-Related	Total Injured Persons	DUI/Drug-Related Injured Persons	Percent DUI/Drug-Related	Total Crash Fatalities	Drug-Positive Driver Fatalities**	Percent Drug-Positive Related
2011	52,287	603	1.1%	22,325	388	1.7%	243	30	12.3%
2012	50,600	548	1.1%	22,336	383	1.7%	217	37	17.1%
2013	55,637	567	1.0%	22,740	393	1.7%	220	45	20.5%
2014	54,036	636	1.2%	23,364	505	2.2%	256	38	14.8%
2015	60,012	701	1.2%	25,332	459	1.8%	278	67	24.1%
2016	62,471	792	1.3%	26,738	513	1.9%	281	72	25.6%
2017	62,855	1,002	1.6%	25,833	732	2.8%	273	88	32.2%
2018	64,340	1,057	1.6%	18,141	774	4.3%	260	97	37.3%
2019	64,595	1,039	1.6%	26,794	773	2.9%	248	67	27.0%
2020	52,205	1,067	2.0%	22,814	688	3.0%	276	107	38.7%

Source: Utah Department of Public Safety, Highway Safety Office
 *DUI/drug-related crashes include only those incidents that involved drugs and no alcohol.
 **DUI/drug-related fatalities include only drivers who tested positive for drugs and had a BAC of $< .08$ ($< .05$ starting January 1, 2019).

Note: Drug presence does not necessarily imply impairment. For many drug types, drug presence can be detected long after any impairment that might affect driving has passed. Also, whereas the impairment effects for various concentration levels of alcohol is well understood, little evidence is available to link concentrations of other drug types to driver performance.

Table A12. Drug-positive Driver Test Results in Fatal Crashes by Drug Type & Calendar Year
(Return to p.20)

Drug Category	Calendar Year 2011-20									
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Marijuana/THC	15	11	10	21	38	26	27	29	36	43
Stimulants	14	20	26	7	23	22	41	28	23	34
Depressants	7	9	12	6	20	33	22	27	37	16
Opioids/Narcotics	7	7	12	12	14	28	32	16	18	16
Dissociative Anesthetics	0	0	0	0	0	2	4	0	0	0
Hallucinogens	0	1	0	0	2	0	0	1	1	0
Other Drug	2	4	23	7	17	9	2	1	2	44
Unknown Type	4	5	2	1	0	2	13	11	3	0

Source: Utah Department of Public Safety, Highway Safety Office
 *DUI/drug-related crashes include only those incidents that involved drugs and no alcohol.
 **DUI/drug-related fatalities include only drivers who tested positive for drugs and had a BAC of < .08 (< .05 starting January 1, 2019).

Note: Drug presence does not necessarily imply impairment. For many drug types, drug presence can be detected long after any impairment that might affect driving has passed. Also, whereas the impairment effects for various concentration levels of alcohol is well understood, little evidence is available to link concentrations of other drug types to driver performance.

Table A13. DUI-related Cases Disposed by Court Type and Fiscal Year (Return to p.21)

Court	FY 2019	FY 2020	FY 2021	% Change FY 20-21
Justice Courts	7,725	6,568	7,260	+10.5%
District Courts	3,316	2,545	2,921	+14.8%
Total Cases Disposed	11,041	9,113	10,181	+11.7%

Source: Utah Administrative Office of the Courts

Table A14. DUI-related Case Disposition Outcomes by Court Type in FY 2021 (Return to p.22)

Court	Case Disposition Outcome		
	Guilty Equivalent*	Not Guilty Equivalent*	Other
Justice Courts	5,777	1,493	6
Percent	79	21	-
District Courts	2,387	572	4
Percent	81	19	-
Total Cases Disposed	8,164	2,065	10
Percent	80.2%	19.9%	-

Source: Utah Administrative Office of the Courts
 Note: This table does not depict the Justice Courts' or District Courts' actual conviction rate, as it includes only cases disposed during FY 2020; pending cases were not included.
 * Guilty-Equivalent = Guilty, No Contest, and Plea in Abeyance; Not Guilty Equivalent = Dismissed, Declined Prosecution, and Not Guilty; Other = Deceased, Diversion, Transferred, and Remanded.

Table A15. DUI-related Case Disposition Outcomes for Justice Courts by County in FY 2021 (Return to p.22)

County	FY 2021 Justice Court DUI-Related Outcomes by County									
	Deceased	Declined Prosecution	Dismissed	Diversion	Guilty	No Contest	Not Guilty	Plea in abeyance	Transferred*	Totals*
Beaver			2		27	2			1	32
Box Elder	1		32		117	6				156
Cache	1	1	32		154	4		1	4	197
Carbon	1	3	7		70	4				85
Daggett			2		1					3
Davis	1		70		371	11			2	455
Duchesne	1	1	15		40	1				58
Emery	1		2		37	1			7	48
Garfield			4		21	1				26
Grand			2		57	1				61
Iron			22		102	4		2		130
Juab			45		49			5	6	105
Kane		1	5		24	1			1	32
Millard			6		54	2		1	1	64
Morgan			2		16	1				19
Piute					3					3
Rich			2		13	2				17
Salt Lake	7	7	635		2136	67	2	19	11	2,884
San Juan	1		10		71			2		84
Sanpete	1		14		40	7		3	1	66
Sevier			42		52	3		5	2	104
Summit		1	37		141	13		4	3	201
Tooele			46		187	9		3		245
Uintah	2		22		85	6		5	1	121
Utah	7	7	146		744	95		4	12	1,015
Wasatch		6	31		98	20		5		161
Washington	1	8	63		247	31		1	2	353
Wayne			1		3					4
Weber	2	2	68		440	22		2	5	541
Totals	27	37	1,366		5,400	314	4	63	59	7,270
Percent	<.1%	<.1%	18.8%		74.3%	4.3%	<.1%	0.1%	0.1%	

Source: Utah Administrative Office of the Courts
Note: This table does not depict the Justice Courts' actual conviction rate, as it includes only cases disposed during FY 2021; pending cases were not included.
*Transferred includes Set Aside and Totals exclude Blanks.

Table A16. DUI-related Case Disposition Outcomes for District Courts by District in FY 2021
(Return to p.22)

Judicial District	FY 2021 District Court DUI-Related Outcomes by Judicial District										
	Deceased	Declined Prosecution	Dismissed	Diversion	Guilty	No Contest	Not Guilty	Plea in abeyance	Remanded	Transferred	Totals
1 st	1		57		141	1		2	3		206
2 nd			62		442	8		1	1		514
3 rd			174		651	6		2	17	2	852
4 th	4		108		522	58		8	6	28	734
5 th			38		219	10		4	3		274
6 th	2		21		112	3		1			139
7 th			10		71	1		1			83
8 th			33		117	6		1			157
Totals	7	-	503	-	2,275	93	-	20	30	30	2,959
Percent	<.1%	-	17.0%	-	76.9%	3.1%	-	0.7%	1.0%	1.0%	

Source: Utah Administrative Office of the Courts
Note: This table does not depict the District Courts' actual conviction rate, as it includes only cases disposed during FY 2021; pending cases were not included.

Table A17. Sanctions in DUI-related Cases by Court Type and Fiscal Year (Return to p.22)

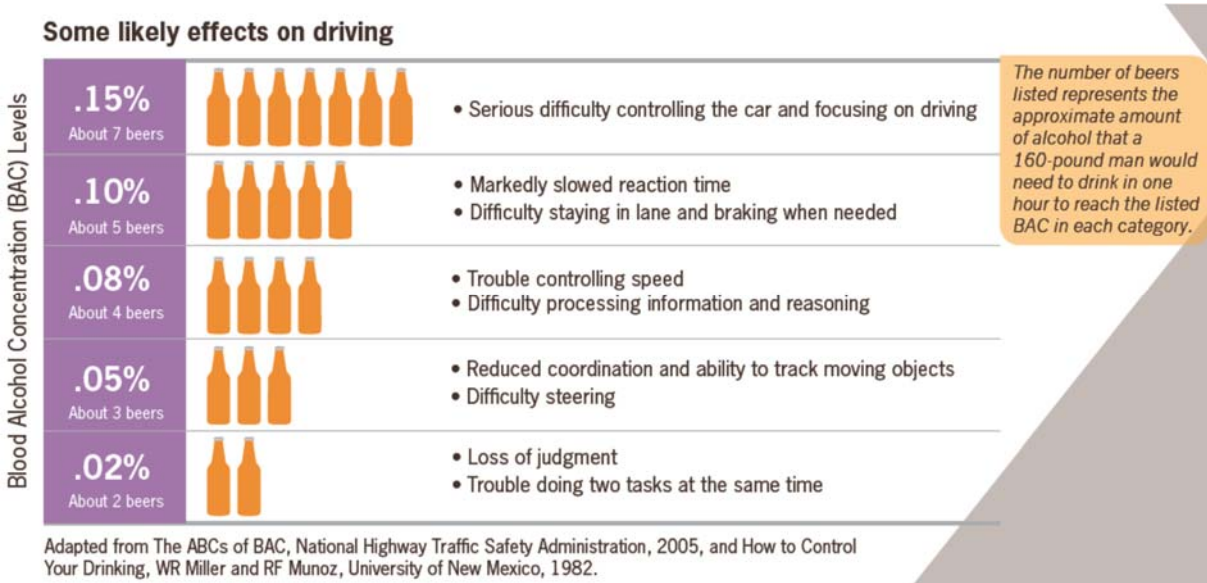
DUI-Related Case Information and Sanctions	FY 2019	FY 2020	FY 2021
Number of Justice Courts Providing Data	121	114	116
Blood/Breath Alcohol Content (BAC) Known	4,363	5,198	6,605
Justice Courts	3,476	4,076	5,188
District Courts	887	1,122	1,417
Ignition Interlock Ordered	1,302	1,157	1,444
Justice Courts	838	762	992
District Courts	464	395	452
Supervised (Non-Court) Probation	3,960	2,777	4,282
Justice Courts	2,172	1,649	1,980
District Courts	1,788	1,128	1,562
Electronic Monitoring	747	589	719
Justice Courts	458	390	428
District Courts	289	199	291

Source: Utah Administrative Office of the Courts

Table A18. Court Orders for Substance Use Disorder Screening and Assessment, Substance Use Treatment, and Educational Series by Court Type and Fiscal Year ([Return to p.22](#))

DUI-Related Case Court Orders	FY 2019	FY 2020	FY 2021
Substance Use Disorder Screening & Assessment Ordered	5,572	5,565	5,792
Justice Courts	4,271	4,392	4,434
District Courts	1,301	1,173	1,358
Substance Used Disorder Treatment Ordered	4,417	4,216	4,514
Justice Courts	2,985	3,031	3,028
District Courts	1,432	1,185	1,486
Educational Series Ordered	3,223	3,361	3,459
Justice Courts	2,803	2,982	2,940
District Courts	420	379	519

Source: Utah Administrative Office of the Courts

Figure A1. Blood Alcohol Concentration and Likely Effects on Driving⁵ ([Return to p.11](#))

⁵ Centers for Disease Control and Prevention Vital signs, *Drinking and Driving: A Threat to Everyone*, October 2011.

UTAH DUI STATUTORY OVERVIEW¹

(Current as of May 4, 2021)

Court-Ordered Sentencing	MISDEMEANOR DUI			
	FIRST CONVICTION	FIRST CONVICTION	SECOND CONVICTION WITHIN 10 YEARS	SECOND CONVICTION WITHIN 10 YEARS
CLASSIFICATION (§41-6a-503)	CLASS B MISDEMEANOR CLASS A MISDEMEANOR: <ul style="list-style-type: none"> if bodily injury³ if passenger is under 16⁴ if passenger is under 18 and driver is 21 or older if driving in the wrong direction on a freeway or controlled-access highway 	CLASS B MISDEMEANOR CLASS A MISDEMEANOR: <ul style="list-style-type: none"> if bodily injury³ if passenger is under 16⁴ if passenger is under 18 and driver is 21 or older if driving in the wrong direction on a freeway or controlled-access highway 	CLASS B MISDEMEANOR CLASS A MISDEMEANOR: <ul style="list-style-type: none"> if bodily injury³ if passenger under 16⁴ if passenger is under 18 and driver is 21 or older if driving in the wrong direction on a freeway or controlled-access highway 	CLASS B MISDEMEANOR CLASS A MISDEMEANOR: <ul style="list-style-type: none"> if bodily injury³ if passenger is under 16⁴ if passenger is under 18 and driver is 21 or older if driving in the wrong direction on a freeway or controlled-access highway
Jail (§41-6a-505)	SHALL order: 2 days OR 48 hours compensatory service MAY: Suspend jail time if individual is participating in 24/7 sobriety program. ⁶	SHALL order not less than: <ul style="list-style-type: none"> 5 days OR 2 days AND 30 days consecutive electronic home confinement⁴ that includes substance abuse testing MAY: Suspend jail time if individual is participating in 24/7 sobriety program. ⁶	SHALL order not less than: <ul style="list-style-type: none"> 10 days OR 5 days AND 30 days electronic home confinement⁴ that includes substance abuse testing MAY: Suspend jail time if individual is participating in 24/7 sobriety program AND serves: <ul style="list-style-type: none"> 5 days jail for a second offense or 10 days jail for third/subsequent offense.⁶ 	SHALL order: <ul style="list-style-type: none"> Not less than 20 days jail OR 10 days jail AND 60 consecutive days electronic home confinement⁴ that includes substance abuse testing OR Not less than 10 days jail AND substance abuse tx (if tx is more likely to reduce recidivism and is in interest of public safety) MAY: Suspend jail time if individual is participating in 24/7 sobriety program AND serves: <ul style="list-style-type: none"> 5 days jail for a second offense; or 10 days jail for third/subsequent offense.⁶
Fine, Surcharge, and Court Security Fee (§41-6a-505) (§51-9-401)	SHALL order: \$700 minimum fine plus a \$630 surcharge plus a \$60 court security fee (justice court) or \$53 (district court)	SHALL order: \$700 minimum fine plus a \$630 surcharge plus a \$60 court security fee (justice court) or \$53 (district court)	SHALL order: \$800 minimum fine plus a \$720 surcharge plus a \$60 court security fee (justice court) or \$53 (district court)	SHALL order: \$800 minimum fine plus a \$720 surcharge plus a \$60 court security fee (justice court) or \$53 (district court)
Screening, Assessment, Educational Series, and Treatment (§41-6a-505)	SHALL order: <ul style="list-style-type: none"> Screening Assessment (if found appropriate by screening) Educational series, unless treatment is ordered 	SHALL order: <ul style="list-style-type: none"> Screening Assessment (if found appropriate by screening) Educational series, unless treatment is ordered 	SHALL order: <ul style="list-style-type: none"> Screening Assessment (if found appropriate by screening) Educational series, unless treatment is ordered 	SHALL order: <ul style="list-style-type: none"> Screening Assessment (if found appropriate by screening) Educational series, unless treatment is ordered

	MAY order: • Treatment • 24-7 sobriety program	MAY order: • Treatment • 24-7 sobriety program	MAY order: • Treatment • 24-7 sobriety program	MAY order: • Treatment • 24-7 sobriety program
Supervised Probation ⁷ (§41-6a-507)	MAY order supervised probation	SHALL order supervised probation	SHALL order supervised probation	SHALL order supervised probation
Ignition Interlock ⁸ (§41-6a-518) (§41-6a-530)	SHALL order unless: • The court determines and states on the record that an ignition interlock system is not necessary for the safety of the community and in the best interest of justice. SHALL order: • Interlock if under 21 Interlock for an ARD ⁹ violation OR describe on the record why such order not appropriate	SHALL order unless: • The court determines and states on the record that an ignition interlock system is not necessary for the safety of the community and in the best interest of justice. SHALL order: • Interlock if under 21 Interlock for an ARD ⁹ violation OR describe on the record why such order not appropriate	SHALL order unless: • The court determines and states on the record that an ignition interlock system is not necessary for the safety of the community and in the best interest of justice. SHALL order: • Interlock if under 21 Interlock for an ARD ⁹ violation OR describe on the record why such order not appropriate.	SHALL order unless: • The court determines and states on the record that an ignition interlock system is not necessary for the safety of the community and in the best interest of justice. SHALL order: • Interlock if under 21 Interlock for an ARD ⁹ violation OR describe on the record why such order not appropriate
Increased Sentencing (§41-6a-505)		SHALL order unless described on the record why the order(s) not appropriate: • Treatment and One or more of the following: • Interlock • Ankle attached continuous transdermal alcohol monitoring device • Electronic home confinement		SHALL order unless described on the record why the order(s) not appropriate: • Treatment and One or more of the following: • Interlock • Ankle attached continuous transdermal alcohol monitoring device • Electronic home confinement
Driver License Suspension (§41-6a-509)	Court MAY order additional 90 days, 120 days, 180 days, one year or two years	Court MAY order additional 90 days, 120 days, 180 days, one year or two years	Court MAY order additional 90 days, 120 days, 180 days, one year or two years	Court MAY order additional 90 days, 120 days, 180 days, one year or two years
Impaired Driving (§41-6a-502.5)	A conviction may NOT be entered as impaired driving if: • BAC .16 or higher; • BAC .05 or higher + any measurable controlled substance; or • Combination of two or more controlled substances			

¹ The DUI Statutory Overview was formerly called the DUI Sentencing Matrix. However, unlike the Sentencing and Release Guidelines matrices this document does not use evidence-based practices, criminal history, and the current offense to suggest a criminal sentence. Instead, this document is intended to give an overview of penalties required by Driving Under the Influence Offenses, Utah Code Title 41, Chapter 6a, Part 5 and therefore has been renamed. It is a reference and overview for ease of use and greater transparency to assist in sentencing individuals convicted or sanctioned pursuant to Utah Code Title 41, Chapter 6a, Part 5. The DUI Statutory Overview is not a substitute for reference to the Utah State Code. It does not constitute legal advice and is not legally binding. It does not create any right or expectation on behalf of an offender or any party within the criminal justice system.

² A combination of two or more controlled substances may only be considered if the substances are not (A) prescribed by a licensed physician; or (B) recommended in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act.

³ A person is guilty of a separate offense for each victim suffering bodily injury, serious bodily injury or death, whether or not the injuries arise from the same episode of driving.

⁴ A person is guilty of a separate offense for each passenger in the vehicle at the time of the offense that is under 16 years old.

⁵ See §41-6a-506 for electronic home confinement provisions.

⁶ If an individual fails to successfully complete all the requirements of the 24/7 sobriety program, the court shall impose the suspended jail sentence or prison sentence.

⁷ Supervised probation is also required for all violations of §41-6a-517(14)(a) (driving with any measurable controlled substance or metabolite in the body).

⁸ Adoption of the ignition interlock restricted driver (IRD) provision (§41-6a-518.2) does not change the obligation of judges to impose interlock as a condition of probation. Note: If a person's violation of Section 41-6a-502 does not involve alcohol, the requirement to order ignition interlock does not apply.

⁹ ARD = Alcohol Restricted Driver.

UTAH DUI STATUTORY OVERVIEW¹

(Current as of May 4, 2021)

Court-Ordered Sentencing	FELONY DUI	
CLASSIFICATION (§41-6a-503)	THIRD DEGREE FELONY <ul style="list-style-type: none"> • if third or subsequent offense within 10 years • if serious bodily injury² • if any prior felony DUI conviction or automobile homicide¹ conviction 	THIRD DEGREE FELONY PLUS: <ul style="list-style-type: none"> • BAC .16 or higher • BAC .05 or higher + any measurable controlled substance • Combination of two or more substances³
Jail (§41-6a-505)	SHALL order: 0-5 year prison term OR <ul style="list-style-type: none"> • 60 days jail AND • 60 days consecutive electronic home confinement that includes substance abuse testing 	SHALL order: 0-5 year prison term OR <ul style="list-style-type: none"> • Not less than 120 days jail AND • 120 days consecutive electronic home confinement that includes substance abuse testing
Fine, Surcharge, and Court Security Fee (§41-6a-505) (§51-9-401)	SHALL order: \$1,500 minimum fine plus a \$1,350 surcharge plus a \$53 court security fee, UNLESS a 0-5 prison term is imposed	SHALL order: \$1,500 minimum fine plus a \$1,350 surcharge plus a \$53 court security UNLESS a 0-5 prison term is imposed
Screening, Assessment, Educational Series, and Treatment (§41-6a-505)	SHALL order: <ul style="list-style-type: none"> • Screening • Assessment • Treatment as appropriate UNLESS 0-5 prison term is imposed MAY order: <ul style="list-style-type: none"> • 24-7 sobriety program⁴ 	SHALL order: <ul style="list-style-type: none"> • Screening • Assessment • Treatment as appropriate UNLESS 0-5 prison term is imposed MAY order: <ul style="list-style-type: none"> • 24-7 sobriety program⁴
Supervised Probation⁵ (§41-6a-507)	SHALL order supervised probation if 0-5 prison term is not imposed	SHALL order supervised probation if 0-5 prison term is not imposed
Ignition Interlock⁶ (§41-6a-518) (§41-6a-530)	SHALL order unless: <ul style="list-style-type: none"> • The court determines and states on the record that an ignition interlock system is not necessary for the safety of the community and in the best interest of justice. 	SHALL order unless: <ul style="list-style-type: none"> • The court determines and states on the record that an ignition interlock system is not necessary for the safety of the community and in the best interest of justice.
Driver License Suspension (§41-6a-509)	<ul style="list-style-type: none"> • Court MAY order additional 90 days, 120 days, 180 days, one year or two years 	Court MAY order additional 90 days, 120 days, 180 days, one year or two years

¹ The DUI Statutory is intended to give an overview of penalties required by Driving Under the Influence Offenses, Utah Code Title 41, Chapter 6a, Part 5. It is a reference and overview for ease of use and greater transparency to assist in sentencing individuals convicted or sanctioned pursuant to Utah Code Title 41, Chapter 6a, Part 5. The DUI Statutory Overview is not a substitute for reference to the Utah State Code. It does not constitute legal advice and is not legally binding. It does not create any right or expectation on behalf of an offender or any party within the criminal justice system.

² A person is guilty of a separate offense for each victim suffering bodily injury, serious bodily injury or death, whether or not the injuries arise from the same episode of driving.

³ A combination of two or more controlled substances may only be considered if the substances are not (A) prescribed by a licensed physician; or (B) recommended in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act.

The following statutory provisions also apply to DUI offenders, although they do not require a court order. Failure to comply carries additional criminal sanctions.¹

Statutory Provisions	FIRST OFFENSE	SECOND OR SUBSEQUENT OFFENSES WITHIN 10 YEARS
Driver License Denial, Suspension, or Revocation		
Driving Under the Influence/ DUI Conviction (§41-6a-509)	If 21 or older: 120 days If 19-20: Longer of one year or until 21st birthday If under 19: Until 21st birthday	If 21 or older: 2 years If 19-20: Longer of 2 years or until 21st birthday If under 19: Until 21st birthday
Driving with Controlled Substance/ Metabolite in Body Conviction (§41-6a-517)	If 21 or older: 120 days If 19-20: Longer of one year or until 21st birthday If under 19: Until 21st birthday	If 21 or older: 2 years If 19-20: Longer of two years or until 21st birthday If under 19: Until 21st birthday
Refusal of Chemical Test (§41-6a-521)	If 21 or older: 18 months If under 21: Longer of 2 years or until 21st birthday	If 21 or older: 36 months If under 21: Longer of 36 months or until 21st birthday
Per se Arrest (§53-3-223) ≥ .05 BAC, impaired to degree unsafe to drive, operating with metabolite of drug in system	If 21 or older: 120 days If under 21: 6 months	If 21 or older: 2 years If under 21: Longer of 2 years of until 21st birthday
Not A Drop (§53-3-231) A person under 21 may not operate a vehicle or motorboat with detectable alcohol in body	If under 21: Until successful completion of substance abuse program recommendation, but not less than 6 months	If under 21: Until successful completion of substance abuse program recommendation, and the longer of 2 years or until 21st birthday
Failure to Install or Removal of Ignition Interlock Device (§53-3-1007)	A person who is an interlock restricted driver (IRD) shall have their driving privilege suspended until they have had an, interlock device installed in their vehicle. If the interlock device is removed prior to the ending date of the interlock restriction period, the driver license shall be re-suspended until an interlock device is re-installed. This suspension may be imposed in addition to other license sanctions as listed above.	
Early License Reinstatement for Drivers Under 21		
Driving Under the Influence/DUI Conviction First Conviction (§41-6a-509)	Court may order shortening of the suspension period after 6 months if the person completes a screening; completes an assessment if appropriate; completes an education series or substance abuse treatment, as deemed appropriate by the court; has not been convicted of a violation of a motor vehicle law during the suspension period; has complied with all terms of probation or all court orders if not ordered to probation; and provides a sworn statement to the court that the person has not unlawfully consumed alcohol during the suspension period.	
Driving with Controlled Substance/ Metabolite in Body Conviction First Conviction (§41-6a-517)	Same as above but sworn statement must include the person has not consumed a controlled substance not prescribed by a practitioner during the suspension period.	
Early License Reinstatement for Drivers 21 or Older		
Driving Under the Influence/DUI Conviction First Conviction (§41-6a-509)	Court may order individual to participate in a 24/7 sobriety program, which allows for early reinstatement of the driving privilege upon payment of driver license reinstatement fees and ignition interlock installation. Provision does not apply if the person refused to submit to a chemical test when arrested for DUI. Person is not able to reinstate their driving privilege unless all other outstanding license sanctions have been cleared.	
Driving with Controlled Substance/ Metabolite in Body Conviction First Conviction (§41-6a-517)	Court may order individual to participate in a 24/7 sobriety program, which allows for early reinstatement of the driving privilege upon payment of driver license reinstatement fees. Provision does not apply if the person refused to submit to a chemical test when arrested for DUI. Person is not able to reinstate their driving privilege unless all other outstanding license sanctions have been cleared.	

Other Sanctions	
<p>IRD – Interlock Restricted Driver (§41-6a-518.2)</p> <p>An “interlock restricted driver” may not operate a motor vehicle without an ignition interlock.</p> <p><u>Note:</u> If a person’s violation of Section 41-6a- 502 does not involve alcohol, or if <u>all</u> offenses are for metabolite convictions under Section 41- 6a-517 (no alcohol involved), IRD does not apply.</p>	<ul style="list-style-type: none"> • 18 months IRD for 1st DUI (§41-6a-502) if over 21 or refused blood draw (§41-6a-520(7)) • 3 years IRD for 1st Driving Without Ignition Interlock Device if IRD (§41-6a-518.2), Refusal to Submit to Chemical Test (§41-6a-520), or 1st DUI (§41-6a-502) if under 21 or refused blood draw if under 21 (§41-6a-520(7)) • 3 years IRD for a combination of two of the following within 10 years: DUI (§41-6a-502), Refusal to Submit to Chemical Test (§41-6a-521), Controlled Substance/Metabolite (§41-6a-517), Alcohol-Related Reckless (§41-6a-512 – <i>only violations prior to July 1, 2008</i>), Impaired Driving (§41-6a-502.5), Driving with Controlled Substance/Bodily Injury or Death (§58-37-8(2)(g)), or Automobile Homicide (§76-5-207) • 6 years IRD for Felony DUI (§41-6a-502) or 2nd+ offense for refused blood draw (§41-6a-520(7)) • 10 years IRD for Automobile Homicide (§76-5-207)
<p>ARD – Alcohol Restricted Driver (§41-6a-529)</p> <p>An “alcohol restricted driver” may not operate or be in actual physical control of a vehicle with any measurable or detectable amount of alcohol in the person’s body.</p> <p><u>Note:</u> If Per se is drug only or metabolite, ARD does not apply.</p>	<ul style="list-style-type: none"> • 2 years ARD for 1st DUI (§41-6a-502), Alcohol/Drug-Related Reckless (§41-6a-512), or Impaired Driving (§41-6a-502.5) • 2 years ARD for any Per se offense (§53-3-223) • 3 years ARD for any driving without an IID if an IRD (§41-6a-518.2) or driving with alcohol in body if an ARD (§41-6a-530) offense • 5 years ARD for 1st Refusal to Submit to Test (§41-6a-521) or Class A misdemeanor DUI (§41-6a-502) • 10 years ARD for 2nd offense within 10 years, DUI (§41-6a-502), Alcohol/Drug-Related Reckless (§41-6a-512), or Impaired Driving (§41-6a-502.5) • 10 years ARD for 2nd offense of Refusal to Submit to Chemical Test (§41-6a-520(7)) if prior suspension for prior refusal within 10 years (41-6a-520(7)) • 10 years ARD for felony violation of refusal to submit to chemical test 41-6a-520(7)) • Lifetime ARD for any Felony DUI (§41-6a-502) or Automobile Homicide (§76-5-207)
<p>¹ The following provisions are intended to give an overview of penalties Driving Under the Influence Offenses, Utah Code Title 41, Chapter 6a, Part 5. It is a reference guide for ease of use and greater transparency to assist in understanding of sanctions pursuant to Utah Code Title 41, Chapter 6a, Part 5. The DUI matrix is not a substitute for reference to the Utah State Code. It does not constitute legal advice and is not legally binding. It does not create any right or expectation on behalf of an offender or any party within the criminal justice system.</p>	



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